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**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**CHARLES AUGUSTUS STEEN III, an individual,
Plaintiff**

Case Number: 3:17-cv-1765-SB

v.

**DR. SEUSS ENTERPRISES L.P.
& PENGUIN RANDOM HOUSE,
Defendants**

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT AND
DECLARATORY RELIEF
DEMAND AND JURY TRIAL**

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COMPLAINT

Plaintiff Charles Augustus Steen III, for its complaint against Defendants DR. SEUSS ENTERPRISES L.P., & PENGUIN RANDOM HOUSE, hereby alleges, on knowledge as to its own conduct and otherwise on information and belief, and absolute facts as follows:

NATURE OF THE ACTION

1. This action arises from Defendants DR. SEUSS ENTERPRISES L.P., & PENGUIN RANDOM HOUSE whom collectively have willfully and blatantly committed copyright infringement of Plaintiff's intellectual property rights in creating "Daisy-Head Mayzie" 1995-2016 the first supposed 'lost' work of Dr. Seuss based on the textual expression and illustrations by Plaintiff, namely materials constituting Plaintiff children's story "*The Pains of Being Pure at Heart*" Txu-500-969 (Exhibit 1-a), copyrighted 95 days before Dr. Seuss died, in violation of the U.S. Copyright Act.

2. In 1992 Plaintiff sent his work to the Institute of Children's Literature in Connecticut where it was accepted for enrolment in their course on May 17th 1992. (Exhibit 1-b). Tish Rabe (who has written for Dr. Seuss Enterprises L.P. since Seuss's death) was associated, the Defendants claimed to have discovered 'the lost work' on May 17th 1994, which is fundamentally the Plaintiff's work (Exhibit 2.)

3. Thus, Plaintiff has no choice but to file this lawsuit seeking injunctive relief and the damages he has suffered as a result of DR. SEUSS ENTERPRISES L.P., & PENGUIN RANDOM HOUSE's activities constituting copyright infringement under the Copyright Act of 1976, 17 U.S.C. §§ 501 and specifically for Misappropriation of Ideas & Creative Language 17 U.S.C. 102(a). The exhibits in this case will focus only on the copyright infringement elements, yet other elements will be cited from case T-213-15, which took place in the Canadian Federal Court between, February 18th 2017 until April 20th 2017, in which the Canadian Court sided with Brain McLeod Rogers of PENGUIN RANDOM HOUSE OF CANADA stating that this is an American Copyright case, based on Jurisdiction of all the parties involved.

4. The following cases mirror this particular case. *SALINGER v. RANDOM HOUSE, INC.*, 811 F.2d 90 (2nd Cir. 1987), *WILSON v. WALT DISNEY* Case No. 3:14-cv-01441, *ROGERS v. KOONS* - 960 F. 2d 301, *MODERN DOG DESIGN v. TARGET CORPORATION* - 2:11-cv-01816, *SID & MARTY KROFFT TELEVISION v. MCDONALD'S CORP.* 562 F.2d 1157 (9th Cir. 1977).

5. The Plaintiff has three years for the Statute of Limitations from the last book or video-tape DVD or VHS of the original Daisy-Head Mayzie 1995-2016 sold for ongoing copyright infringement for a total of \$250,000.00 under 17 U.S.C. 506(a) per infringement, as clearly cited in *PETRELLA v. MGM* No. 12-1315.

6. Furthermore it is the moral duty of the Plaintiff is to “EXPOSE” the Defendants DR. SEUSS ENTERPRISES L.P., & PENGUIN RANDOM HOUSE and their associates to this Court as well as the Public at Large, for their blatant disregard of the truth by creating, not one, but *three* “FAKE” Dr. Seuss books under 18 U.S.C. § 1038 - FALSE INFORMATION AND HOAXES, being ‘Daisy-Head Mayzie’ 1995-2016, ‘What Pet Should I Get?’ - 2015 & the new version of ‘Daisy-Head Mayzie’ - 2016, which was released without any press whatsoever on July 5th 2016, which just happened to be only 15 days after the time to appeal Prothonotary Kevin Aalto’s ruling on June 10th 2016 that the Plaintiff must sue the Defendants in the United States of America, for copyright infringement; case T-231-15, in Canadian Federal Court. The fact that the Defendants now claim that the 2016 version is the ‘*real original*’, clearly implicates them on charges of Fraud 18 U.S.C. § 1001 (a)(1)(2)(3) with the first version 1995-2016, being that it is now admitted that Joe Mathieu is in fact the un-credited artist of the first version 1994-2016, (Exhibit 30), not Dr. Seuss, as previously claimed (Exhibits 2 & 19). Joe Mathieu was a Defendant in the case filed in Canadian Federal Court T-231-15. Also in (Exhibit 31) PENGUIN RANDOM HOUSE states that Jan Geradi is in fact the illustrator of the new version of Daisy-Head Mayzie and not Dr. Seuss as claimed in (Exhibit 28). In (Exhibit 42) the Copyright for the new version of Daisy-Head Mayzie it claims that the book was created in 2016, not the 1970s as stated in (Exhibit 2), nor the 1960s as stated in (Exhibits 8-a & 17), nor the 1950s as stated in the book itself (Exhibit 28).

Thus the Defendants have incriminated themselves to Literary Forgery for Counterfeit Documentation, under 18 U.S.C. 2318 (A)(iii)(iv)(vi)(4)(B)(i)(6)(D)(F) as well as (815 ILCS 505/) Consumer Fraud and Deceptive Business Practices Act.

7. Also, in the new 2016 version of Daisy-Head Mayzie, the Defendants have deliberately taken out all of the 17 similarities in art and plot as well as the key sentence "And these are the words that (*poor Mayzie said!*) he read!", that they plagiarized from the Plaintiff that were shown as examples in the previous cases, and now claim that those plagiarized elements are the fault of Hana-Barbera (Exhibit 28). Very convenient for the Defendants.

8. Thus the old 1994-2016 version of Daisy-Head Mayzie is now admittedly a fraud and a hoax by the very publisher being PENGUIN RANDOM HOUSE, in which their very own Cathy Goldsmith has sat at the helm of the Dr. Seuss publishing for over 20 + years. The rules of law state that everyone who bought a copy of either the book or video, be it schools or public libraries or individuals, who believed they were buying a 'real' Dr. Seuss book should be reimbursed to the absolute fullest under 18 U. S. C. § 1346 for the amount of \$10,000 per fraudulent book by DR. SEUSS ENTERPRISES L.P., & PENGUIN RANDOM HOUSE for being blatantly deceived and swindled by the Defendants for their personal profit, and nothing else.

9. In (Exhibit 2) it is stated that Dr. Seuss 'supplied a complete set of original drawings', yet in (Exhibit 31) it is stated by PENGUIN RANDOM HOUSE that

Jan Gerardi illustrated the new version of 'Daisy-Head Mayzie' 2016 in which the Defendants claim to be the 'authentic original'.

10. Furthermore the Plaintiff request that the Court demand to examine "The Horse Museum," and a manila folder marked "Noble Failures," which the Defendants have also claimed to be original Dr. Seuss works that were discovered in 1991 and then lost and then allegedly found again in 2013 (Exhibit 23), and the Defendants stated they were to be published in 2016, yet it seems that once the Defendants learned of case T-231-15, all mention of those two purported books have quietly been kept on the down low, not a word since.

11. This is not a case of plausible deniability on part of the Defendants; this is a clear and self-evident attempt to hoodwink the public and profit off of the populace's gullible nature and trust of the widow (Audrey Geisel) and their beloved children's story author Dr. Seuss, and the reputation of PENGUIN RANDOM HOUSE, the world's largest publisher of literature.

12. I, the Plaintiff, am sorry to be the bearer of bad news but the facts are the facts and the truth is the truth, *undeniably*. Contrary to the Consensus Gentium regarding this case, based on the evidence provided by the Defendants themselves, "The Emperor Has No Clothes!!" The fact that the Defendants now indeed have two versions of the so-called lost Seuss book 'Daisy-Head Mayzie' in which both are claimed to be the 'original' book, simple logic dictates that one of the books, if not both, are fake. It is time for the Defendants to show their so called 'originals' of all five supposed lost and then re-discovered Dr. Seuss books,

being, "Daisy-Head Mayzie" 1995-2016, the new "Daisy-Head Mayzie" 2016, "What Pet Should I Get?" 2015, "The Horse Museum," and a manila folder marked "Noble Failures," mentioned thus far and have them verified under sworn penalty of perjury, 49 CFR 1104.5 of 18 U.S.C § 1621, by two Court appointed independent experts in forgeries as well as one by the FBI. Such as in Case # 3:17-MJ-00072. The books which should be cross examined with the above five listed should be the original Dr. Seuss books, being, "The Cat In the Hat", "Green Eggs and Ham", "One Fish, Two Fish, Red Fish, Blue Fish" and "Oh, The Places You'll Go!", as well as "One Cent, Two Cents, Old Cent, New Cent" by Bonnie Worth and illustrated by Aristides Ruiz and Joe Mathieu, "The Gink" by Belinda Ward and Tish Rabe and illustrated by Joe Mathieu and Joe Ewers, "What Cat is That?" (Exhibit 33-b) by Tish Rabe and illustrated by Aristides Ruiz and Joe Mathieu, and "Oh, the Pets You Can Get!" (Exhibit 33-a) on January 25, 2005 - written by Tish Rabe and illustrated by Aristides Ruiz & Joe Mathieu.

13. Exhibit 23 - states, "Through painstaking work and a meticulous, almost forensic reconstruction of Mr. Geisel's creative process, those abandoned pages have yield an unexpected new Dr. Seuss book called "What Pet Should I Get?"

14. The most absurd blunder that the Defendants have made is that they actually released a book called "Oh, the Pets You Can Get!" (Exhibit 33-a) on January 25, 2005 - written by Tish Rabe and illustrated by Aristides Ruiz & Joe Mathieu and then on September 24th 2013 they released "What Cat is That?" (Exhbit 33-b) - written by Trish Rabe, and illustrated by Aristides Ruiz & Joe

Mathieu and then on July 28th 2015 they release “What Pet Should I Get?” in which they claim was created by Dr. Seuss between 1958 and 1962. The copyright for “What Pet Should I Get?” states that the book was created in 2015 (Exhibit 41). They claim that “What Pet Should I Get?” was discovered in 1991 and then put away until 2013, and yet in (Exhibit 2) it is stated by Janet Schulman (deceased) of Random who said, “The author’s files contain much other unpublished material.”

15. Question # “How can the Defendants actually claim to have lost ‘What Pet Should I Get?’ in 1991, just after finding it by Random House’s very own Janet Shulman, and allegedly created by Seuss between 1958-1962?”

16. Question # Why would it take the Defendants 20 years, 9 months and 2 days to announce the rediscovery of the so-called other lost original ‘What Pet Should I Get?’ and 22 years 1 months and 21 days release the new version of ‘Daisy Head Mayzie’, that the defendants now claim is in fact the real original?

17. Question # Why wouldn’t Cathy Goldsmith of PENGUIN RANDOM HOUSE mention the new version of Daisy-Head Mayzie 2016 when she was interviewed on PBS Newshour on July 28th 2015 (Exhibit 29)? In fact it is quoted: JEFFREY BROWN: Is there possibly more to come then? CATHY GOLDSMITH: ‘I don’t — there was nothing else found in that box that was complete, so, no, there’s no other new books coming down the line’.

18. Thus the Defendants are claiming, for the record that, “What Pet Should I Get?” was created by Dr. Seuss sometime between Yertle The Turtle And Other Stories (1958), The Cat In The Hat Comes Back! (1958), Happy Birthday To You!

(1959), Green Eggs And Ham (1960), One Fish Two Fish Red Fish Blue Fish (1960), The Sneetches And Other Stories (1961) & Dr Seuss's Sleep Book (1962) and that they discovered it in 1991 and then lost it again and then rediscovered it in 2013 yet they publically admit too creating two imitation Dr. Seuss books with almost identical titles after his death, being "Oh, the Pets You Can Get! - 2005" & "What Cat is That? 2013"? These coincidences are beyond laughable, at this point.

19. If the Defendants are unable or unwilling, to provide these so-called originals, to be verified for authenticity, than I ask this Court for a Summery Judgment, in favor of the Plaintiff as well as to open a criminal investigation against the Defendants for intentional international fraud.

20. It is the wish of the Plaintiff that this Court upholds its civil duty to fully investigate these claims and when upon realizing that what the Plaintiff has stated is 100% true, that this Court punish the Defendants to the fullest extent of the Law under 18 U.S. Code § 1968, for defrauding the public with three fake Dr. Seuss books, and stating that they have two more originals, and the fact that the Defendants have repeatedly created multiple fraudulent Dr. Seuss books and have been dealing their merchandise over state lines clearly implicates them on charges of RICO and thus the Court should have Audrey Geisel, Karl ZoBell, Joe Mathieu, Aristides Ruiz, Cathy Goldsmith and Tish Rabe investigated, and if found guilty imprisoned for the term of 20 years each under 18 U.S.C §1963, for their blatant disregard of the TRUTH, and thus committing the most heinous

crime in the history of forgeries in the realm of Children's Literature that this world has ever seen.

425 U.S. 185, 196 "(a) To employ any device, scheme, or artifice to defraud." (b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or "(c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

21. I, the Plaintiff, make no apologies for the cognitive dissonance in which one might feel while learning these deplorable facts.

22. The Defendants will naturally contest jurisdiction and state the case should be heard in Southern California, because that is where Audrey Geisel, Karl ZoBell, Cathy Ann Bencivengo, and where the rest of their associates reside, such as Tim Curry and J. Tony Serra. Audrey Geisel is a major philanthropist and on the California Hall of Fame for simply being the widowed wife of someone great and using his ideas to gain her and her collaborators their vast amount of wealth.



Maria Shiver, Ellen North, Steven Graham, Dave Brubeck, Tom Stanford, Dr. Linus Pauling Jr., Jack LaLanne, Alice Waters, Audrey Geisel, Quincy Jones, Jane Fonda, Daniel Dixon & Jack Nicholson.



Top row: Chancellor Khosla, Thespine Kavoulakis, Alexander Butterfield from the Water Gate Scandal, Lynda Claassen the librarian of the Dr. Seuss collection at UCSD, Claudia Prescott who was Dr. Seuss's secretary and Jim Prescott; Bottom row: Marye Anne Fox, Audrey Geisel the widow of Dr. Seuss.



Audrey Geisel & Arnold Schwarzenegger



Audrey Geisel, her daughter Lark Grey Dimond-Cates & Ted Kennedy



Joan Jacobs, Sheri Jamieson & Audrey Geisel

THE PARTIES

23. Plaintiff Charles Augustus Steen III is the author and illustrator of 'The Pains of Being Pure at Heart' TXu-500-969 copyrighted June 21st, 1991, being 95 days before Theodore Seuss Geisel (Dr. Seuss) passed away on September 24th 1991. (Exhibit 1-a)

24. Defendant DR. SEUSS ENTERPRISES L.P is located at 1200 Prospect St # 575, La Jolla, CA 92037,

25. Defendant PENGUIN RANDOM HOUSE is the World's largest Publishing Company, with its principal place of business at 1745 Broadway 230 West 56th Street, New York City.

26. The individuals referenced in this case are those who provided the evidence for this case. They are as follows... Audrey Geisel, Tish Rabe, Markus Dohle, Cathy Goldsmith, Joe Mathieu, Claudia Prescott, Philip Nel, Lynda Claassen, Aristides Ruiz, Karl ZoBell, Cathy Ann Bencivengo, Susan Brant, Tim Curry, Steven Paul Leiva, Herb Cheyette, J. Tony Serra & Christopher M. Young.

28. Audrey Geisel is the widow of Dr. Seuss. She and Seuss married on June 21 1968 only 242 days after their infidelity affair, which caused the first wife Helen Palmer to commit suicide on October 23 1967. Audrey Geisel owns DR. SEUSS ENTERPRISES L.P., which was created soon after Theodor Seuss Geisel passed away. In (Exhibit 2) she stated she found the script in the bottom of a drawer, and that Seuss supplied a complete set of original drawings. Yet in (Exhibit 17) Audrey said she that the manuscript for "Daisy-Head Mayzie" was unfinished. Yet in (Exhibit 30) it is stated that Joe Mathieu was the uncredited illustrator of the first (1995-2016) version of Daisy-Head Mayzie.



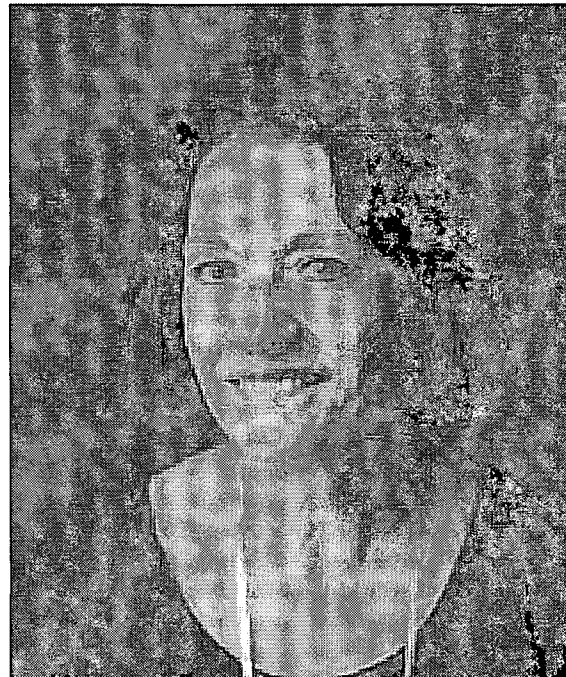
29. Tish Rabe has written over 50+ NEW Dr. Seuss books since the real Dr. Seuss died on September 24th 1991. She is closely associated to the Institute of Children's Literature whom Plaintiff submitted his Children's Story "The Pains of Being Pure at Heart" to way back in early 1992 (Exhibit 1-b).



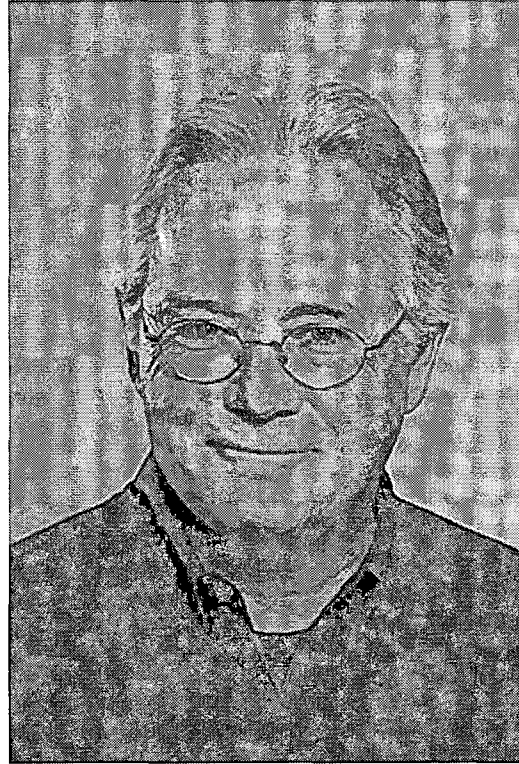
30. Markus Dohle is the CEO of Penguin Random House. As CEO he is responsible for everyone's conduct that works under him. As clearly stated in these cases, PEOPLE & C. Respondent, v. L. DENNIS KOZLOWSKI, Appellant *Case No. 137: and ERNST & ERNST v. HOCHFELDER ET AL. No. 74-1042.*



31. Cathy Goldsmith is President of the Dr. Seuss Publishing Program, for PENGUIN RANDOM HOUSE, and for the last 20 years she has spearheaded all business activities at Dr. Seuss Enterprises L.P. including managing the relationship with Random House, Universal, Illumination, and all global licensees. Goldsmith is responsible for both versions of 'Daisy-Head Mayzie' and "What Pet Should I Get?"



32. Joe Mathieu is the now credited illustrator of the first (alleged) 'lost' Dr. Seuss book 'Daisy-Head Mayzie' 1994-2016 (Exhibits - 4, 5, 6, 7, 8 & 30) as well as about 50 more, NEW Dr. Seuss books; which are admittedly written by Tish Rabe.



33. Claudia Prescott was Dr. Seuss's secretary for 18 years to the day he died and she still works closely with Audrey Geisel. She is quoted as saying, "We didn't know that we had such a treasure," said the assistant, who started working for Mr. Geisel in 1972 and now helps Ms. Geisel, 93, run Dr. Seuss Enterprises. (Exhibit 23)



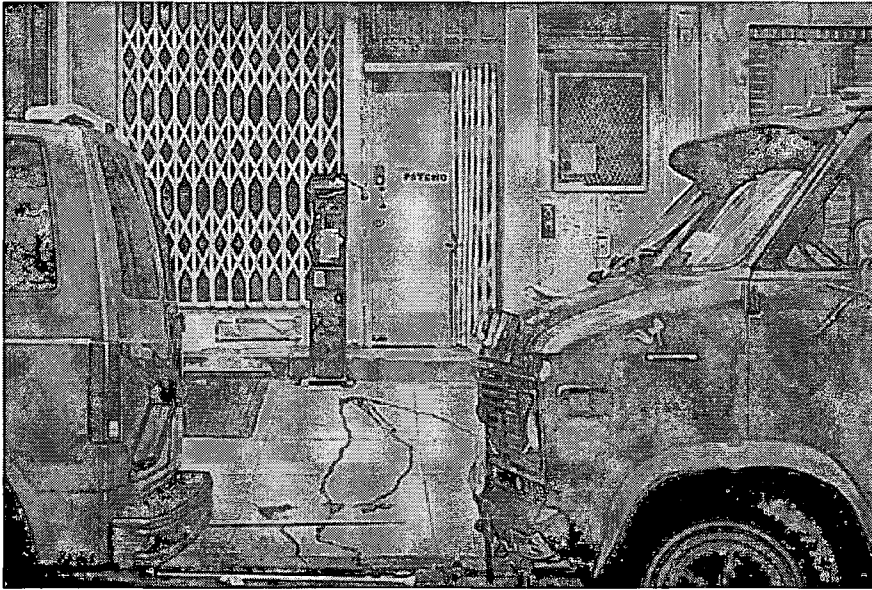
34. Philip Nel - is a University Distinguished Professor of English at Kansas State University. On February 26, 2014 (Exhibit 20) "New window into Dr. Seuss' genius" Audrey Geisel donates 1,500 items to University of California San Diego Library - The San Diego Union-Tribune: (Philip) Nel, the Seuss scholar, said he is particularly interested in seeing the original ink drawings for "Daisy-Head Mayzie," published four years after the author died. It was released in conjunction with an animated TV special by Hanna-Barbera. "I've always wondered how much of this book is Seuss and how much is Hanna-Barbera," Nel said. "These new materials will help answer these questions." Nel, also wrote *"The Annotated Cat: Under the Hats of Seuss and His Cats"*. New York: Random House, 2007.



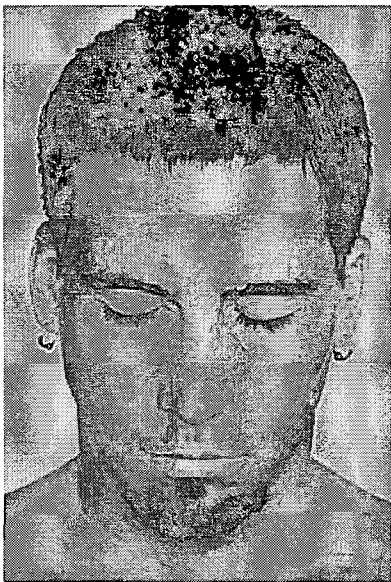
35. Lynda Claassen has served, since 1983, as director and chief curator of the Mandeville Special Collections Library at the University of California, San Diego. She is quoted as saying, "What we have for Daisy-Head Mayzie are 1950's Photostats, but no text." (Exhibit 18)



36. Aristides Ruiz - is the illustrator of 40 plus new Dr. Seuss books. He is an absolute phenomenal artist who can create nearly perfect renditions. He is known as a hyperrealist. These are examples of his art.



PSYCHO Acrylic On Watercolor Paper. Private Collection 11.25" X 16.25" © Aristides Ruiz



ANDERSON 99 Acrylic Over Colored Pencil On Board. Private Collection 13.5" X 20" © Aristides Ruiz

37. Karl ZoBell - was a Lawyer at DLA Piper and Vice President for the Dr. Seuss Estate. He is quoted as saying, "Mr. Steen sent us an e-mail copy of his book. The art was bad and the text was worse. It had no recognizable similarity to the Dr. Seuss book in question. Further, we, and Mr. Geisel's agent, had clear proof that the Dr. Seuss book in question had been put to paper by him years before the Steen work was put together by him." (Exhibit 16)



38. Cathy Ann Bencivengo was a Lawyer at DLA Piper for the Dr. Seuss Estate. She is quoted as saying, "the manuscript for "Daisy-Head Mayzie" was written in the 1960s, before Steen was born." (Exhibit 17). It was the emails from Bencivengo sent to the Plaintiff in 2001 that were edited by W. E. Skip Stevenson in order to have the Plaintiff arrested for extortion on November 5th 2003. (Dock 1, Exhibit 35 through 38, and pages 36 through 43 of case T-231-15)



39. Susan Brant is the President of DSE. For the last 20 years, Susan has spearheaded all business activities at Dr. Seuss Enterprises including managing the relationship with Random House, Universal, Illumination, and all global licensees. Susan spearheads all Dr. Seuss business including publishing, films, theatrical, theme park, retail, promotion and television. (Exhibit 20) *“Random House and Dr. Seuss Enterprises work hand-in-hand on every aspect of the Dr. Seuss legacy, from publishing to marketing to scheduling. We’re true partners,”* explains (Susan) Brandt at DSE. *“I consider them my East Coast office. I talk to them, I’m not kidding, a million times a day. We’re that linked.”*



40. Tim Curry – is an actor who is most famous for his rolls as Dr. Frank-N-Future in ‘The Rocky Horror Picture Show’ and Pennywise in Steven King’s ‘It’. He is credited as one of the authors of Daisy-Head Mayzie 1995–2016 (Exhibit 4), and he voiced the Character Finagle in animated version (Exhibit 4-b). In the new 2016 version in which the Defendants now claim is in fact the original real version his character is completely missing as well as the Cat in the Hat.



41. Steven Paul Leiva is best known for producing the animation in Space Jam, the 1995. He also wrote the 'Blood is Pretty'. In (Exhibit 12) being the FAX from ICM to the Willamette Week dated February 7th, 2002, allegedly having been written on January 24th, 1991, While President of Chuck Jones Productions Leiva claims that they had found a copy of Daisy-Head Mayzie. He wrote "We found this in our files. It seems that Ted submitted to Chuck many a moon ago. In any case, it Ted (Dr. Seuss) has forgotten about and/or lost his copy DAISY-HEAD MA(Y)ZIE, we are glad to have been able to recover the work." Yet (Exhibit 2) states the Daisy-Head Mayzie was in the bottom of a drawer at Dr. Seuss's house at this point in time, sitting there for the past 20 years. And on the copyright it is alleged that Dr. Seuss wrote it in 1991. (Exhibit 5) yet the Date of Registration is January 4, 1995.



42. Herb Cheyette who died on October 2nd 2012 was the agent for Dr. Seuss and whom the book Daisy-Head Mayzie is dedicated too. In (Exhibit 13) being the FAX from ICM to the Willamette Week dated Februray 7th, 2002, Herb Cheyette wrote, "Thanks so much for your letter of January 24, with enclosures. I have discussed 'Daisy-Head Mayzie' with Ted, who informs me that he is currently considering other uses for the story." Yet (Exhibit 2) states the Daisy-Head Mayzie was in the bottom of a drawer at Dr. Seuss's house at this point in time, sitting there for the past 20 years.

43. J. Tony Serra is the world famous criminal defense attorney located in San Francisco. He was the lawyer for the Plaintiff on March 2, 2004 and convinced the Plaintiff to plead guilty. J. Tony Serra's brother world famous sculptor Richard Serra received a one million dollar grant from The Museum of Contemporary Art San Diego on January 26, 2005 (Dock 1, Exhibit 66, case T-231-15), in which Audrey Geisel donated between \$25,000 -\$49,999, and Karl ZoBell donated between \$10,000 \$24,999, and David C. Copey the owner of The San Diego Union Tribune donated \$3,000,000. (Doc 1, Exhibit 65, case T-231-15). J. Tony Serra was sent to Federal Prison for 10 months and fined \$100,000 for not paying taxes on July 29, 2005.



44. Christopher M. Young, is the lawyer for the Dr. Seuss Estate and he concentrates his practice in the defense of consumer class action litigation, product liability and mass tort litigation



JURISDICTION

45. This Court has personal jurisdiction over Dr. Seuss Enterprises L.P., & Penguin Random House, because they are major corporations that collectively conduct substantial business in the State of Oregon. The defendants have infringed Plaintiff's copyrights in the State of Oregon, and have purposefully targeted its activities to and has systematically transacted, done, and solicited business in this District. Oregon is in the Ninth District as is California.

46. This Court has original subject matter jurisdiction over this action and the claims asserted herein, pursuant to 28 U.S.C. § 1331 ("federal question jurisdiction") and § 1338(a) (actions arising under any Act of Congress relating to copyright), in that this action arises under the laws of the United States and, more specifically, Acts of Congress relating to copyrights.

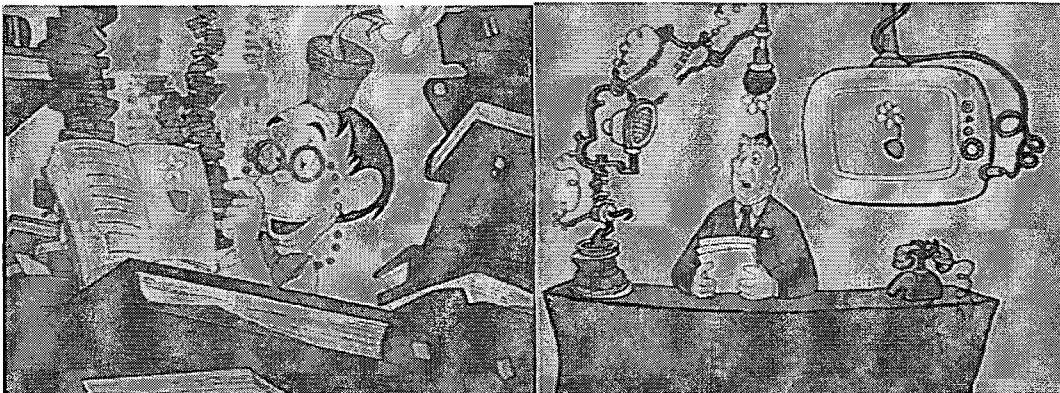
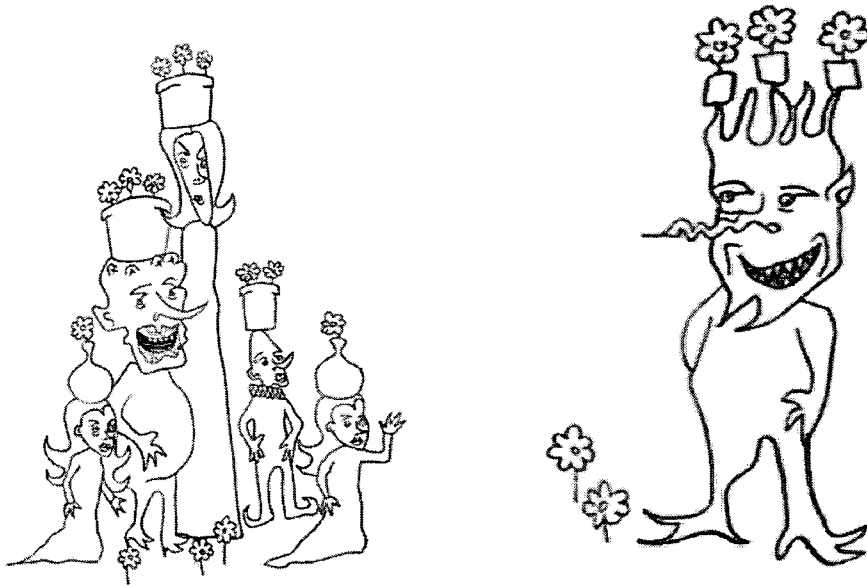
47. Defendants are subject to personal jurisdiction of the Court because they have agents, do or transact business, or are otherwise found, and have purposefully availed themselves of the privilege of doing business in Oregon and this District. Venue is proper in this District pursuant to 28 U.S.C. § 1400(a) because Defendants have a regular and established place of business in this District and may be found in this District.

48. Venue is also proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in this District and a substantial part of the property that is the subject

of this action is situated in this District. Alternatively, venue is also proper in this District pursuant to 28 U.S.C. § 1391(b)(3) because Defendants have a regular and established place of business in this District and may be found in this District.

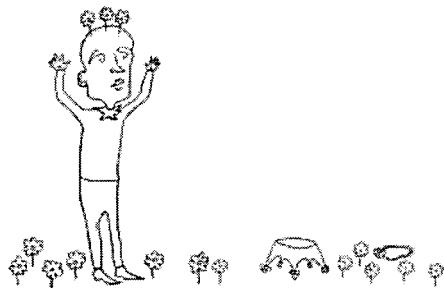
THE 17 PLAGIARIZED ELEMENTS

49. i -The most notable being, that in the Plaintiff's work there are characters emulating Lukus Loo, by wearing flowers on their head in his honor; that element was plagiarized by the Defendants.

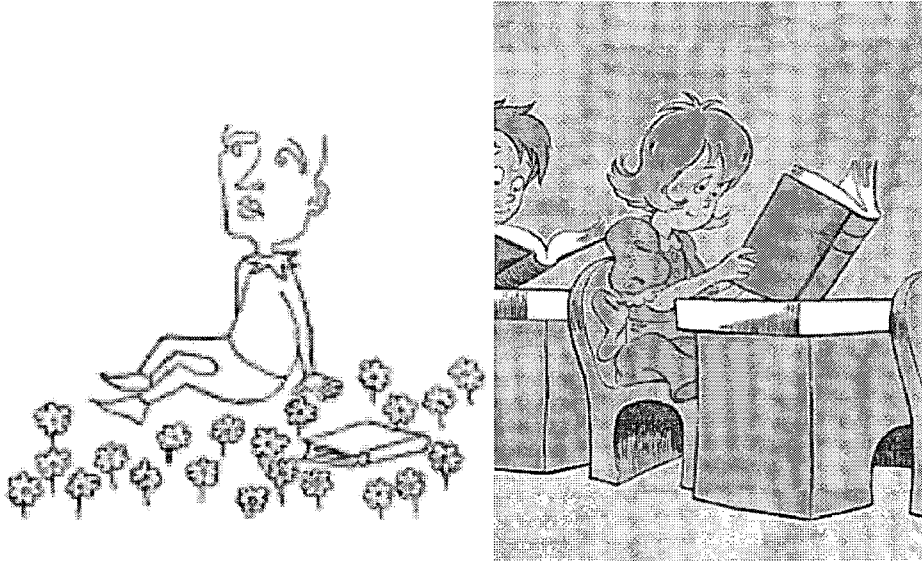




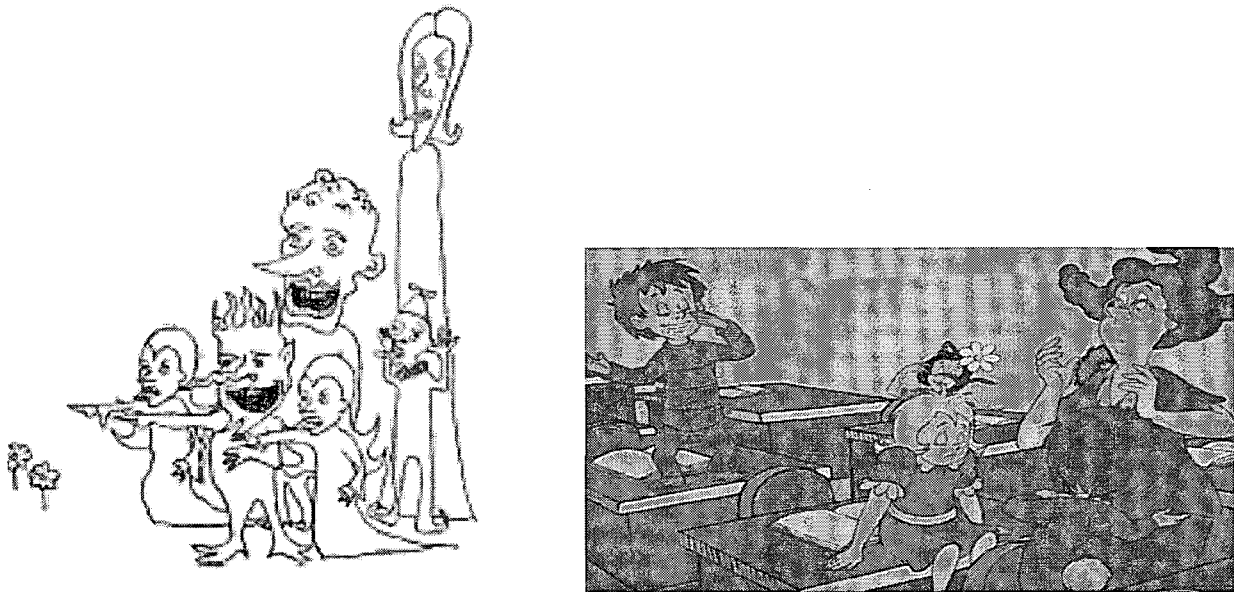
50. ii - The next is that in both stories the main characters are throwing their money on the ground, that element was clearly plagiarized by the Defendants.



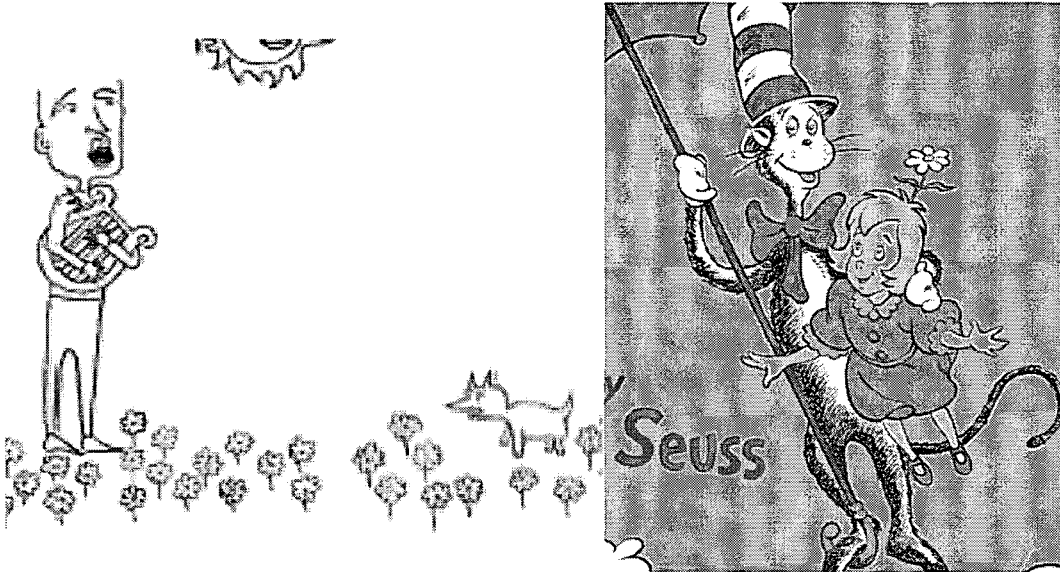
51. iii - The next is that in both stories the main characters are reading books in the beginning, that element was clearly plagiarized by the Defendants.



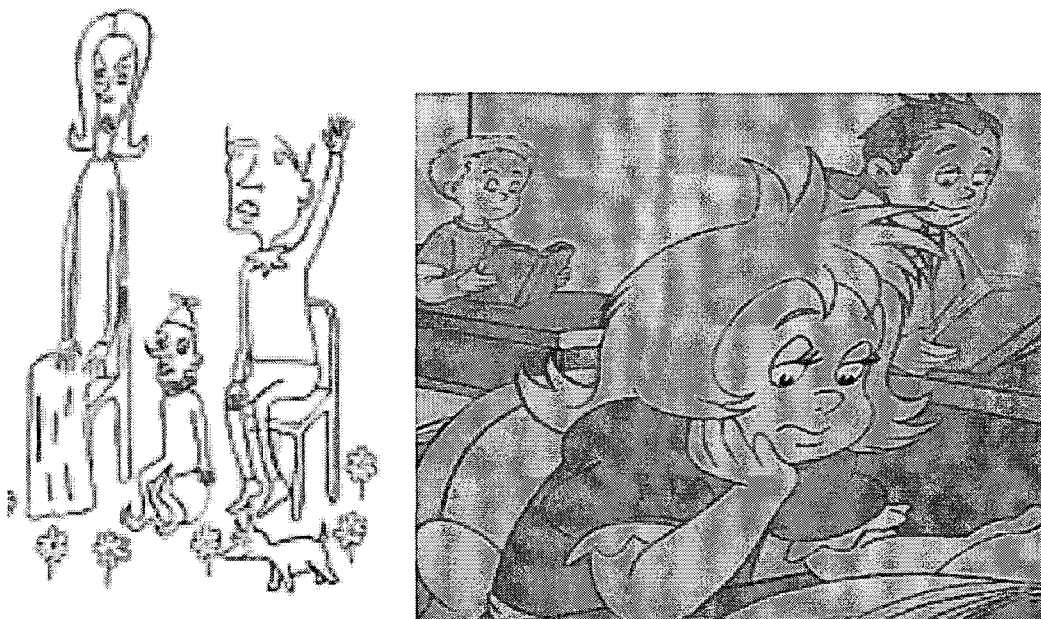
52. iv - The next is that in both stories the main characters are singled out and taunted by classmates, that element was clearly plagiarized by the Defendants.



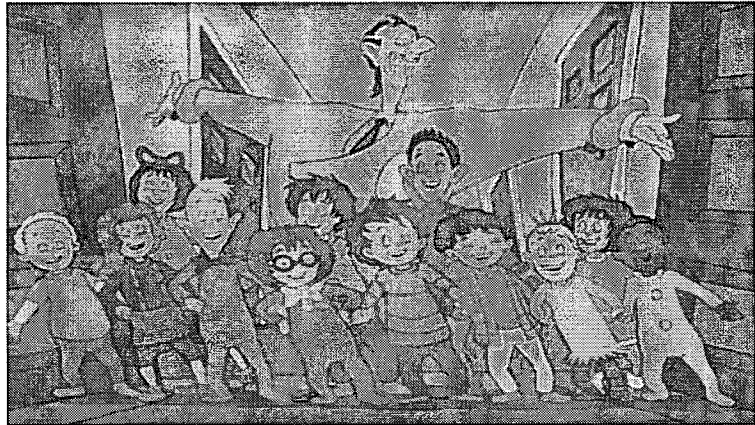
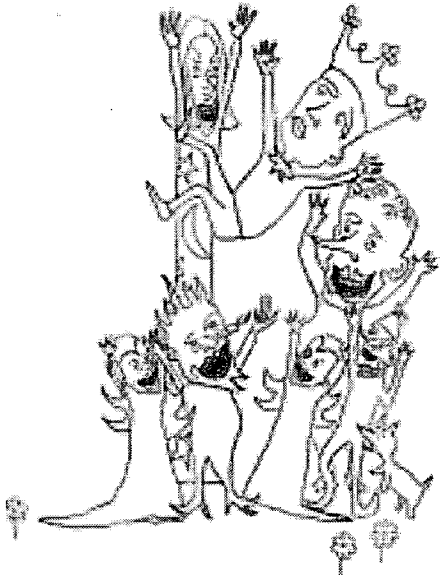
53. v - The next is that in both stories the main characters have an animal friend that appears in text and illustrations, which does not speak, and that element was also clearly plagiarized by the Defendants.



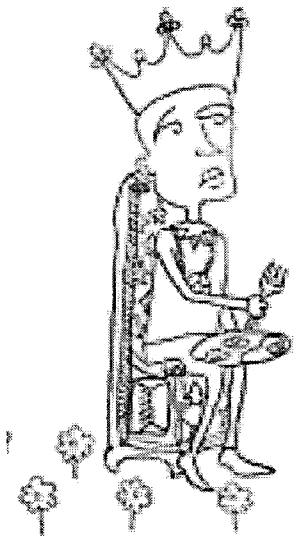
54. vi - The next is that in both stories the main characters in the beginning are not famous, nor do they have flowers on their heads, that element was also plagiarized by the Defendants.



55. vii - The next is that in both stories the main characters have celebrations in their honor.



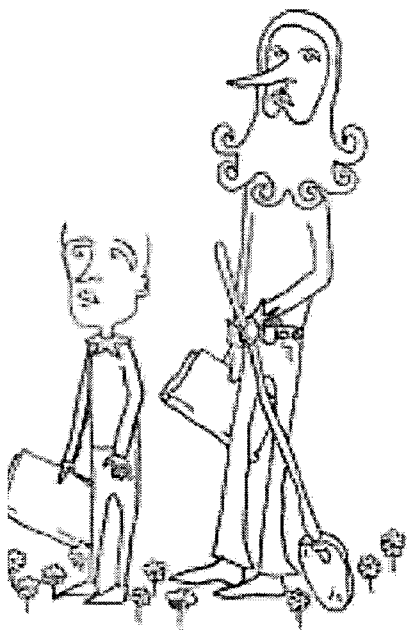
56. viii - The next element that was plagiarized is that both main characters gain fame and wealth and are the center of attention, in which they despise.



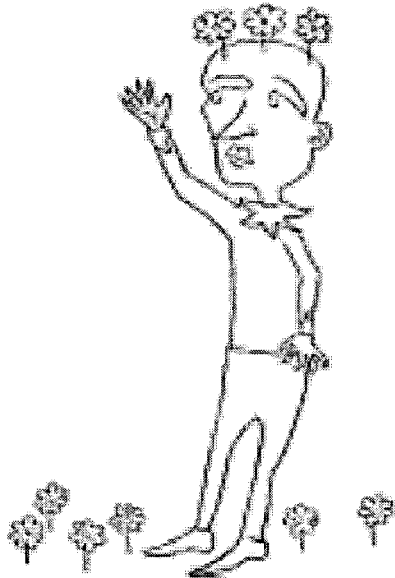
57. ix - The next plagiarized element is that both main characters go the wisest man in town for advice, after being bullied by their peers.



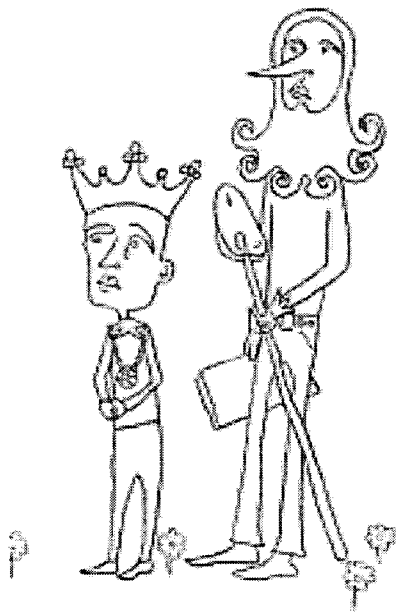
58. x - In both stories they have a florist.



59. xi - The next is that in both stories the main characters accept the flower near the end and are enlightened.



60. xii - The next is that both characters at one point care more about fame and wealth than love, and thus feel empty inside.



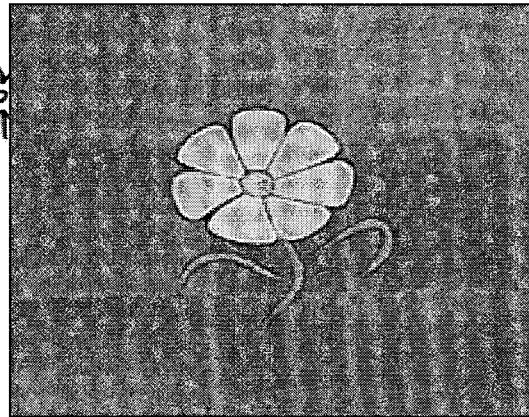
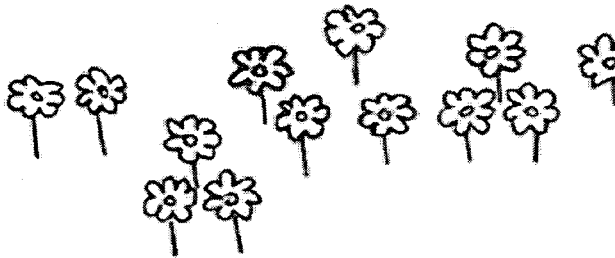
61. xiii - The next similarity is that both main characters feel the need to leave town and seek the outdoors, alone in search for peace of mind.



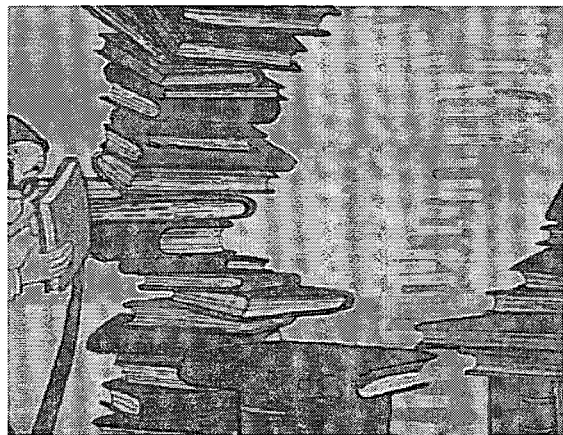
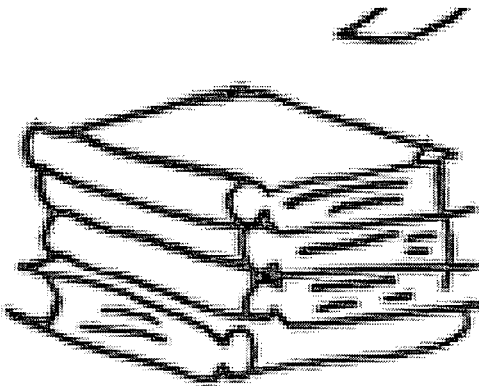
62. xiv - In both stories the minor characters are often standing oddly close together.



63. xv - In both stories the flowers are seven peddled.



64. xvi - Both stories have books stacked on each other.



65. xvii - Is the fact that the plaintiff wrote, "And these are the words that he read." near the end of his story, before the final poem. And in the 1995 'alleged' posthumous Dr. Seuss book published four years after Seuss's death, it reads, near the end of the story, before the final poem "And these are the words that poor Mayzie said", which just happens to have been taken out of the New 2016 version, which the defendants now claim to be the 'actual original', which is created in

2016 according to the Copyright Office (Exhibit 42). Note: (Exhibit 32) clearly states that Joe Mathieu was the un-credited artist of the 1995-2016 version and he was listed as a defendant in case T-231-15.

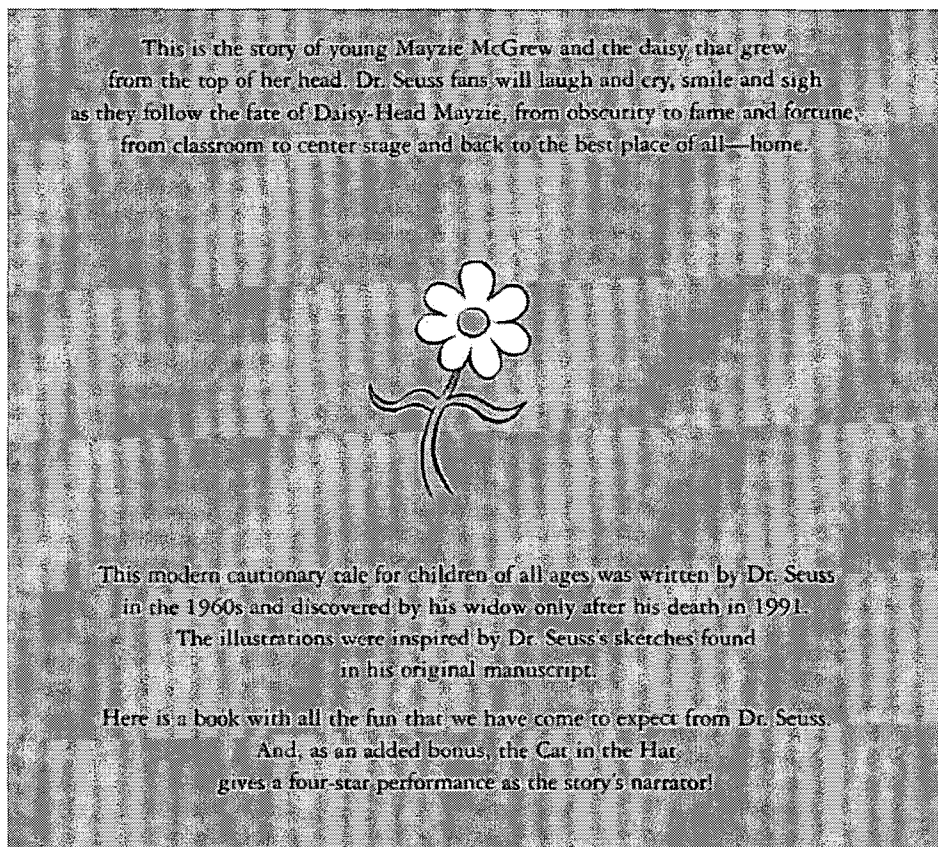
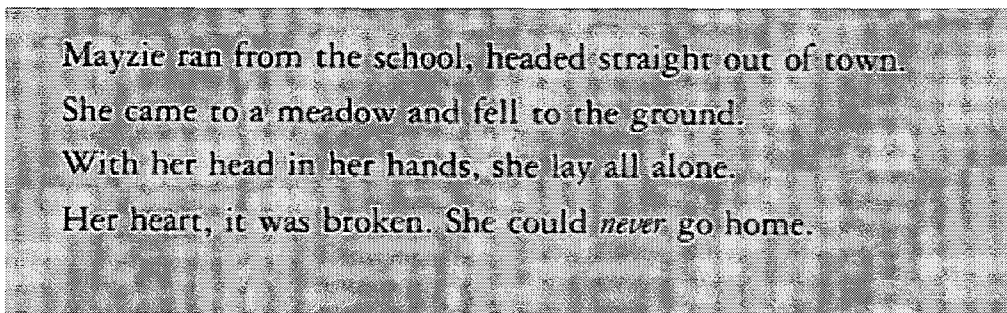
Plutus Plutarch found some poems
that Lukus Loo wrote one day.
Plutus Plutarch was sad as tears fell from his head.
And these are the words that he read,



Because she was sure that everyone must
Have written her off in total disgust,
Over and over again in her head,
These are the words that poor Mayzie said:
"I can never go home. Nobody loves me.
Nobody loves me. Nobody loves me."

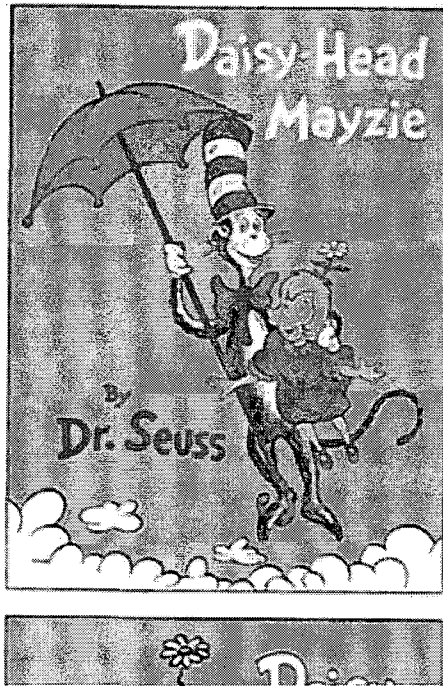
66. NOTE: Near the end of The New Version of Daisy-Head Mayzie 2016 they have deliberately taken out the similarities, as well as have taken out the paraphrasing of textual expression, being the phrase, "And these are the words that poor Mayzie said." Hence Dr. Seuss did not write the complete manuscript as stated in (Exhibit 2). The Defendants also plagiarized the entire concept of the Plaintiff's story being that Lukus Look, starts out as an humble protagonist, to celebrity and prosperity and then becomes disheartened with the wealth and tosses his fortune on the ground and runs away and finally reaches enlightenment.

Thus by creating a new version of Daisy-Head Mayzie, released on July 5th 2016 (Exhibits 28 & 42) the Defendants have incriminated themselves to Literary Forgery for Counterfeit Documentation, under 18 U.S.C. 2318 (A)(iii)(iv)(vi)(4)(B)(i)(6)(D)(F), and thus have proven that the first version (Exhibit 8-a) is also a Literary Forgery for Counterfeit Documentation, under 18 U.S.C. 47, for Fraud and False Statement.



Daisy-Head Mayzie

NOTES FROM THE EDITORS



This edition of *Daisy-Head Mayzie* by Dr. Seuss is unlike any other you may have seen.

An earlier edition of *Daisy-Head Mayzie* was published by Random House in 1995 and remained in print until early 2016. If you compare the illustrations in the two books, you'll see a big difference. If you compare the words in the two books, you'll also see a difference. (Not as big, but a difference, nevertheless.)

How can this be?

To explain, let's look at *Mayzie's* roots. They go back, we believe, to the 1950s, when Ted Geisel—aka Dr. Seuss—wrote an animated film script called *Daisy-Head Mayzie*. Along with the script, Ted drew sketches for the main scenes in the film and one finished ink drawing of Mayzie.

"Neither I, nor my lawyers, nor my husband's publisher (Random House) could see any resemblance in the art, plot or language." - Statement of Audrey Geisel -

Exhibit 15.

**CONTRADICTORY STATEMENTS BY THE DEFENDANTS
AS TO THE ORIGIN OF DAISY-HEAD MAYZIE**

Exhibit 2 - The official press release claims Daisy-Head Mayzie 1995-2016 was created in the 1970's as a screenplay and lost in the bottom of a drawer for 20n years, with a complete set of original drawings. Yet, the copyright (Exhibit 5) TX-4-042-306 says it was created in 1991.

Exhibit 3 - Shows that the alleged screenplay "Daisy-Head Mayzie" - used for the animated video has NEVER been registered to the Writers Guild of America, West.

Exhibit 5 - states that the Year of Creation for Daisy-Head Mayzie TX-4-042-306- book is 1991, that the Date of Publication -"Daisy-Head Mayzie" - book - December 30, 1994, and that the Date of Copyright Registration - "Daisy-Head Mayzie" - book April 1, 1995, yet Ted (Dr. Seuss) Geisel died on September 24th, 1991., and yet the "The Pains of Being Pure at Heart' TXu-500-969 was registered on June 21 1991.

Exhibit 10-b- On the back cover of "Oh Baby, The Places You'll Go!" written by Tish Rabe, "Daisy-Head Mayzie" is not listed as one of the 46 books written and illustrated by Dr. Seuss, yet "What Pet Should I Get?" is.

Exhibit 6 - states that the Year of Creation for Daisy-Head Mayzie PA-700-090 - Animated video is 1994, that the Date of Publication - "Daisy-Head Mayzie" - animated video. February 5, 1995, and that the Date of Copyright Registration - "Daisy-Head Mayzie" - animated video is May 1, 1995, yet Ted (Dr. Seuss) Geisel died on September 24th, 1991. And yet the 'The Pains of Being Pure at Heart' TXu-500-969 was registered on June 21 1991.

Exhibit 7 - Inside Cover of "Daisy-Head Mayzie" - book 1995-2016, it reads,
"Based on the animated television special created by Hanna-Barbera
Cartoons Inc. in association with Tony Collingwood Productions."
Yet in (Exhibit 2) in the original press release it states that Audrey found the screenplay with a complete set of original drawings.

Question - How can Daisy Head Mayzie book TX-4-042-306 , 1995-2016 be based on the video PA-700-090, if the video is created after the book?

Question - How can Daisy Head Mayzie book TX-4-042-306, be 20 years old, lost in the bottom of a drawer, and found after Seuss died if it is claimed to be created in 1991 on the official United States Copyright? (Exhibit 5). And yet in (Exhibit 42) it says that the original was created in 2016.

Question - If Audrey Geisel found the original Daisy-Head Mayzie 1995-2016 in 1991 after Dr. Seuss died why did it take her 966 days from the date of the alleged author's death to announce to the world on May 17, 1994 that she had discovered 'the lost work' of Dr. Seuss? (Exhibit 2), after the Plaintiff received his acceptance to the Institute of Children's Literature on May 17, 1992? (Exhibit 1-b)

Exhibit 8 - On the back cover of the first version of Daisy-Head Mayzie it claims it was created in the 1960's, not the 1970's, as stated in the original press release (Exhibit 2), yet in the new version it claims it was created in the 1950's (Exhibit 28), yet the copyright (Exhibit 42) for the new version which is claimed to be the actual original states that it was created in 2016?

Exhibit 12- claims "As per our conversation the other day I'm enclosing a copy of the above-mentioned story by Dr. Seuss (DAISY-HEAD MA(Y)ZIE). We found this in our files. It seems that Ted submitted to us many moon ago".... "In any case if Ted has forgotten about and/or lost his copy of DAISY-HEAD MAYZIE we are glad to have been able to recover the work."

Question - Why would the lost work 'Daisy-Head Mayzie' be at Chuck Jones Productions if the original was suppose to be lost in the bottom of a drawer for 20 years at the time of this alleged FAX from Steven Paul Leiva?

Exhibit 13 - "Thanks so much for letter of January 24, 2001 with enclosures. I have discussed "Daisy-Head Mayzie" with Ted, who informs me that he is currently considering other uses for the story."

Question - Why would Ted (Dr. Seuss) be considering other uses of the story if it was lost in the bottom of a drawer at his house? (Exhibit 2)

Question - Why would Herb Cheyette be in possession of the script as well as Chuck Jones Productions, if there was only one original lost in the bottom of a drawer for the past 20 years?

Exhibit 28- States, "Herb Cheyette - Ted's longtime agent - took the script and sketches to Hanna-Barbera Productions, and a deal was made to bring *Mayzie* to life. On February 5, 1995, the animated special *Daisy-Head Mayzie* aired on television in the United States."

Question - Why would Herb Cheyette need to take the script and sketches of Daisy-Head Mayzie to be completed by Hanna-Barbera Productions if Seuss already had a complete set of original drawing? (Exhibit 2)

Exhibit 14 - Index of "The Seuss, The Whole Seuss & Nothing But The Seuss" by Charles Cohen, published on PENGUIN RANDOM HOUSE - There is absolutely no mention of Daisy-Head Mayzie, the so-called 'lost work' of Dr. Seuss.

Exhibit 15 - "Two books were published after his death, based on upon preliminary drafts done while he was alive, but never finished by him."

Question - Why would Audrey Geisel change her story from (Exhibit 2) and then state that Seuss never finished the work?

Exhibit 16 - "Mr. Steen sent us an email copy of his book. It had no recognizable similarity to the Dr. Seuss book in question. Further, we, and Mr. Geisel's agent, had been put to paper by him years before the Steen work was put together by him.", yet in (Exhibit 5) it claims to be created in 1991.

Exhibit 17 - *“The Manuscript for Daisy-Head Mayzie was created in the 1960’s before Steen was born.”...“They’re both written in rhyming meter, but so what? They’re very dissimilar.”*

Exhibit 18 - *“What we have for Daisy-Head Mayzie are 1950s Photostats “but no text.”*

Exhibit 19 - *“Daisy-Head Mayzie is the last children’s book officially written by Dr. Seuss although he did not illustrate it.*

Exhibit 23 - *“The last “original” Dr. Seuss book, “Oh, the Places You’ll Go!” was released in 1990, and no one at Random House expected an unpublished book to appear 24 years after Mr. Geisel’s death.”*

Exhibit 28 - Claims Daisy-Head Mayzie was created in the 1950’s, so they believe.

To explain, let’s look at *Mayzie’s* roots. They go back, we believe, to the 1950s, when Ted Geisel—aka Dr. Seuss—wrote an animated film script called *Daisy-Head Mayzie*. Along with the script, Ted drew sketches for the main scenes in the film and one finished ink drawing of Mayzie.

This statement contradicts (Exhibit 2) that states Seuss supplied a complete sets of original drawings.

Exhibit 28 – Claims that the 2016 version of Daisy-Head Mayzie is the real ‘original’ by Dr. Seuss, using his real language illustrations and artwork, yet in the copyright (Exhibit 42) it states created in 2016.

Exhibit 30 – New Wikipedia for Daisy-Head Mayzie stating that Joe Mathieu is the un-credited illustrator of the first version 1995-2016.

Question - Why would they need to make a new version of the book and subsequently remove all of the infringing elements from the Plaintiff’s work, if Seuss was in fact the original creator of the work?

Exhibit 31 – Claims that the 2016 version of Daisy Head Mayzie is drawn by Jan Geradi and not Dr. Seuss as claimed in the new version 2016 (Exhibit 28), which also contradicts the official copyright (Exhibit 42) of the new version.

Question – Why would the new version of Daisy-Head Mayzie (Exhibit 28) claim that the images were originals, if the one image in (Exhibit 26) published on August 12, 1976 and later used in (Exhibit 10) published on November 25, 1997, are not at all the same? And (Exhibit 26) was created in 1976, not the 1950’s as stated in (Exhibit 28).

FACTUAL ALLEGATIONS & CRONOLGY OF THE CASE:

67. On the October of 1969 the cover of MAD MAGAZINE, was an image with Alfred E. Neuman, sprouting flowers out of his head.

68. On August 12th, 1976 the "Cat's Quizzer" came out by Dr. Seuss which shows an image of a girl with a Daisy on her head drawn by Dr. Seuss on page 38.

69. On or around January 8 - 10, 1990, while attending the San Francisco Art Institute Plaintiff started to create the unique work, "The Pains of Being Pure at Heart," which was subject to protection under United States.

70. On June 21, 1991, (Exhibit 1-a) Plaintiff received the United States Copyright for "The Pains of Being Pure at Heart" TXu-500-969. Being 95 days before Theodore Seuss Geisel (Dr. Seuss) passed away.

71. On September 24, 1991, Theodore Seuss Geisel passed way.

72. On May 17, 1992, (Exhibit 1-b) Plaintiff received a letter from The Institute of Literature located at 93 Long Ridge Road, West Redding, CT 06896. The letter stated that Plaintiff's Copyrighted story, "The Pains of Being Pure at Heart" had been accepted for enrollment into The Institute of Children's Literature. Also, it reads, "I noted your interest in illustrations and wanted to let you know that we advise our students to submit manuscripts without accompanying illustrations. Very frequently illustrations will limit the vision of the editor and thus detract from the manuscript's chance to meet that editor's requirements for acceptance. Choosing an illustrator for an accepted manuscript

is the publisher's prerogative and one that is quite jealously guarded." Plaintiff has the original letters from the Institute of Children's Literature.

73. Starting on April 2, 1992 Plaintiff received seven letters from Alvin Tresselt, asking him to sign up with The Institute of Children's Literature. Tresselt had known Theodore Seuss Geisel, aka Dr. Seuss at least since 1948.

74. On May 17, 1994, (Exhibit 2) Plaintiff learned from an article in the *Orange County Registrar* that a work called, "Daisy-Head Mayzie" was to be published by Random House. According to the article, Audrey Geisel, the widow of Dr. Seuss, claimed to have found a 20-year-old manuscript in the bottom of a drawer; making the so-called original written in the 1970s. Audrey Geisel stated that Dr. Seuss wrote the story as a screenplay. She stated that he used typically whimsical verse and supplied a "complete set of original drawings". No set of original drawings, manuscripts or screenplays have ever been produced or seen the light of day. It is believed that no such documents ever existed.

75. On December 30, 1994 is the Date of Publication - "Daisy-Head Mayzie" - book. (Exhibit 5)

76. On February 5, 1995 Date of Publication - "Daisy-Head Mayzie" - animated video. (Exhibit 6).

77. On April 1, 1995 Date of Copyright Registration - "Daisy-Head Mayzie" - book. (Exhibit 5).

78. On May 1, 1995 Date of Copyright Registration - "Daisy-Head Mayzie" - animated video. (Exhibit 6).

79. On or around January 5th, 1995, Plaintiff bought a copy of “Daisy-Head Mayzie” (Exhibit 8) at Powell’s Bookstore in Portland, Oregon. Upon reading the alleged “lost work” of Theodore Seuss Geisel, Plaintiff noticed many striking similarities between the stories. Notably, that both stories followed the same plot. As well as, the main characters had flowers grow out their heads and other characters had fake flowers on their heads, emulating the main characters’ appearances. Most obvious, is the fact that the lines, “And these are the words that he read” in the Plaintiff’s story “The Pains of Being Pure at Heart” TXu 500-969 pg 35. And in the alleged “lost work” the sentence, “And these are the words that poor Mayzie said,” are substantially similar. The sentence “And these are the words that poor Mayzie said,” has been deliberately taken out of the New Version of ‘Daisy-Head Mayzie, published July 5th 2016 (Exhibit 28), which is now claimed to be the “original”, thus, it is clear that 1995-2016 version of Daisy-Head Mayzie was not drawn or written by Dr. Seuss. Thus, it is naturally a fraud.

80. On June 18, 1996- Plaintiff learned of Grolier Publishing in Danbury, CT with his friend James Beuhring from a Dr. Seuss book advertisement at the Rodger Wilco grocery store in Rohnart Park California. It was at that moment Plaintiff started to figure out the nature of the case. Grolier is a publisher of Dr. Seuss books and is located a few miles away from The Institute of Children’s Literature.

81. On November 14, 1997 (Exhibit 10) “Oh Baby! The Places you’ll go!!” by Tish Rabe, it reads, “There’s Daisy-Head Mayzie, and Cindy-Lou Who, Hunches

and bunches and Lolla-Lee-Lou.” The image shows a reversed image of from “The Cat’s Quizzer” (Exhibit 26), which reads, “What would you do if you sprouted a Daisy? Would you run and see your dentist? Would you water it and grow more of them and sell them to your friends? Or would you try to grow roses? They’re worth a lot more.” “Oh Baby! The Places you’ll go!!” by Tish Rabe was the first Dr. Seuss book credited to Tish Rabe. Rabe has made over 60 books for PENGUIN RANDOM HOUSE, using Dr. Seuss’s characters.

82. On November 11, 2000, Audrey Geisel Stated in TIME MAGAZINE “I’ve never gone out looking for anything,” she says, speaking of the avalanche of adaptations and licensing. “It all comes to me.” The stated purpose of Dr. Seuss Enterprises, LP is to exploit the works of Theodore Geisel in other media and Geisel’s decisions, notably to publish some material that her notoriously perfectionist husband left unpublished, are difficult even for her to explain. “Because everyone out there wanted it,” she says, “and because Random House wanted it.” (Exhibit 11).

83. On February 2nd, 2001 plaintiff filed case 01-cv-0211-BB-ACT in Albuquerque, NM. In early May of 2001 Plaintiff mistakenly believed that he case had been dismissed, soon after Plaintiff moved to Portland Oregon.

84. On April 4, 2001- Cathy Ann Bencivengo e-mailed plaintiff’s yahoo account stating that she represented Dr. Seuss Enterprises and Mrs. Audrey Geisel in the pending copyright litigation. She requested a copy of “THE PAINS OF BEING PURE AT HEART.” She followed up with a phone call telling Plaintiff that they

wanted to settle out of court. She said over the phone that if Plaintiff provided them with a copy of "THE PAINS OF BEING PURE AT HEART," they would do their best to resolve this issue quickly without going to court.

85. April 9, 2001- Cathy Ann Bencivengo emailed Plaintiff's yahoo account stating that she was aware that Plaintiff was Pro Se. She stated that DSE would contest personal jurisdiction in the matter and there would be no formal discovery until that question is resolved. She stated that she would very much appreciate, however, if I would forward the story voluntary at that time. She told Plaintiff over the phone that it would take several weeks to receive a copy of "THE PAINS OF BEING PURE AT HEART" from the US Copyright office and that a quick out of court settlement would happen sooner if Plaintiff sent a copy of the work without an "order of discovery."

86. Within a day Plaintiff emailed the story: "THE PAINS OF BEING PURE AT HEART," and faxed a hard copy from the offices of TV-I Times in Albuquerque, NM. Over several telephone conversations at this time Cathy Ann Bencivengo told Plaintiff over the phone that DSE wanted to settle out of court. At this time Plaintiff was living at the Campus Compact Apartments at 215 Yale #5 SE Albuquerque, NM. (Exhibit 16) is the statement by Karl ZoBell admitting that he and Bencivengo had in fact received the email and FAX.

87. On April 16, 2001 Cathy Ann Bencivengo e-mailed Plaintiff's yahoo account stating that she did not receive the e-mailed jpegs from TV-I in Albuquerque, or my faxes. After I had emailed and faxed copies of my work: "THE PAINS OF

BEING PURE AT HEART," she still claimed I had not sent it. Finally Cathy Ann Bencivengo asked Plaintiff over the phone what an appropriate out of court settlement would be.

88. April 18, 2001, Plaintiff phoned Cathy Ann Bencivengo and asked her what the deal was. She said that she received "THE PAINS OF BEING PURE AT HEART". She then stated that Theodor Geisel and Chuck Jones were working together on "DAISY-HEAD MAYZIE" in January of 1991. She was trying to convince Plaintiff that "DAISY-HEAD MAYZIE" had secured a copyright before his book "THE PAINS OF BEING PURE AT HEART." At this point having known that Plaintiff's book: "THE PAINS OF BEING PURE AT HEART," was registered on June 21, 1991. The book: "DAISY-HEAD MAYZIE" was registered on April 10, 1995. The Videocassette was registered on May 1, 1995. Bencivengo was trying to imply was that the Plaintiff was infringing on their copyright. Cathy Ann Bencivengo must have thought that Plaintiff did not have access to copyright registration information. She was hoping to try and convince Plaintiff that all efforts to litigate against them were futile.

89. May 2001 - The Gray Cary law firm that represents Dr. Seuss Enterprises contracted the law offices of Modrall, Sperling, Roehl, Harris & Sisk to represent them in New Mexico. They sent Plaintiff a huge pile of documents full of confusing legal terms that basically stated that Plaintiff could not proceed with litigation against them from New Mexico.

90. On August 4th 2001, Plaintiff, out of frustration, emailed all 500 lawyers at Gray Cary Ware & Freidenrich LLP, with a coarse parody Dr. Seuss painting, intended to make a mockery of Cathy Anne Bencinvengo (the lawyer for the Seuss estate at the time), based on Judge O'Scannlain's ruling of parody case # United States Court of Appeals, Ninth Circuit. DR. SEUSS ENTERPRISES, L.P., Plaintiff-Appellee, v. PENGUIN BOOKS USA, INC., a corporation; Dove Audio, Inc., a corporation, Defendants-Appellants. No. 96-55619. Decided: March 27, 1997

91. On December 12th 2001 - plaintiff filed a new lawsuit in Portland Oregon. 3:01-cv-01800-KI, because Plaintiff foolishly believed that the New Mexico case had been dismissed, which it had not.

92. On February 7, 2002 (Exhibit 12) Plaintiff went to the Willamette Week, in Portland, Oregon and talked with Stacy Ison who contacted Herb Cheyette who faxed her two letters, that are contradictory to the original statement in (Exhibit 2), as well as the copyrights. In the Letter from Steven Paul Leiva to Herb Cheyette from an ICM fax, it reads: "As per our conversation the other day I'm enclosing a copy of the above-mentioned story by Dr. Seuss (DAISY-HEAD MAYZIE) We found this in our files. It seems that Ted submitted to us many moon ago".... "In any case if Ted has forgotten about and/or lost his copy of DAISY-HEAD MAYZIE we are glad to have been able to recover the work."

93. On February 7, 2002 (Exhibit 13) letter from Herb Cheyette to Steven Paul Leiva from ICM fax "Thanks so much for letter of January 24, with enclosures. I

have discussed "Daisy-Head Mayzie" with Ted, who informs me that he is currently considering other uses for the story." (Exhibit 12) is a FAX from ICM where Steven Paul Leiva claims that Daisy-Head Mayzie was found at Chuck Jones's Productions and not lost in the bottom of a drawer for 20 years as stated in (Exhibit 2). (Exhibit 13) is a FAX from ICM- where Herb Cheyette claims that they already have a copy of Daisy-Head Mayzie, which also contradicts (Exhibit 2). Thus, at this point in their story, there are now two copies of DHM floating around and yet the original is still lost in the bottom of a drawer in Ted's office.

94. On Dec 14, 2001 - Judge Garr M. King the US District Court Judge stated that Plaintiff had to prove he was in a low income category because he could not afford the regular fees associated with filing lawsuits. He also stated that Plaintiff's claim was incomplete and Judge King gave Plaintiff 30 days to file an amended complaint.

95. On Jan 11, 2002- Plaintiff provided proof of his low-income status and amended his Civil case # CV01-1800KI.

96. On Jan 23, 2002- Judge Garr M. King reinstated the case but stated that Plaintiff could proceed civil litigation against five defendants only. Audrey Geisel, Turner Home Entertainment, Random House, Dr. Seuss Enterprises, and Hanna Barbara Cartoons. Plaintiff had changed addresses at this time and did not receive the mail notifying him that the case being reinstated. His roommates did not inform him of any mail.

97. On Feb 14, 2002 - Plaintiff moved to Toronto, unaware that case # CV01-1800KI had been re-opened. He did not have money for lawyers and it seemed all the lawyers he contacted were either afraid of Gray Cary law firm or had a "conflict of interests."

98. On June 13th, 2002 case 3:01-cv-01800-KI dismissed without prejudice.

99. On June 28, 2002 - Plaintiff took the Greyhound bus from a wedding in South Carolina back to Portland, OR. Plaintiff went to Joe Conklin's house the next day and learned that the case had been reinstated and had been thrown out again due to plaintiff having failed to complete service within 120 days after judge King reinstated the amended complaint on January 23, 2002.

100. On June 18, 2003 Cases Docket 1:01cv00211-BB-JCA was dismissed without prejudice by the Honorable Judge Bruce Black. (Doc 1, Exhibit 43, T-231-15)

101. On September 9th 2003, Plaintiff, out of frustration believing that the Federal Courts had failed him, emailed Karl ZoBell a copy of his play "The Tragical History of Audrey Geisel" which was honestly intended to infuriate Mr. ZoBell and make a mockery of him, his family and his associates, and all those who created the fake book Daisy-Head Mayzie 1995-2016. (Doc 1, Exhibit 44, T-231-15), the play was flawed, for it lacked the characters Cathy Goldsmith, Joe Mathieu & Tish Rabe.

102. On November 5th 2003, the Plaintiff was arrested on two counts of extortion by W. E. Skip Stevenson of the San Diego Police Department in Portland Oregon. Stevenson had edited emails the emails of Cathy Ann Bencivengo and

deliberately distorted dated and facts pertaining to the lawsuit in New Mexico (pages 39-43 of Docket 1, T-231-15) by stating that at the time I received the email from Cathy Ann Bencivengo where she was as well as acting in collusion with Audrey Geisel, Karl ZoBell and Cathy Ann Bencivengo, in order to attempt to silence Plaintiff, from putting on his play and exposing the Defendants to their fraud of the fake Dr. Seuss book. Officer Stevenson bamboozled the Portland Police department in order to have Plaintiff arrested. Plaintiff spent eight days in the Justice Center after refusing to sign extradition, and was released on a \$100,000.00 bail. Yet the fact remains that the defendants distorted the evidence assuming that Plaintiff did not have the original e-mails from Cathy Anne Bencivengo, the acting attorney for the defendants at the time, (T-231-15 Docket 1 Exhibits 35, 36, 37, 38.), in order to have Plaintiff falsely arrested on the 5th of November 2003., just three days before 'The Cat In The Hat' movie was released starring Mike Meyers.

103. FACT: Mr. Steen filed his civil case 1:01-cv-0211 on FEBRUARY 22nd 2001. Mr. Steen filed his suit Pro Se representing himself. Soon after the defendants were served, Charles Steen was contacted first by Cathy Ann BENCIVENGO of the Gray Cary Law Firm, which represents Dr. Suess Enterprises. Steen's request for \$2,500,250.50 was a reply to Cathy Ann Bencivengo's request for offering what he thought would be adequate for an out of court settlement on APRIL 16th, 2001. Mr. Steen's civil case 1:01-cv-0211 was

not dismissed until JUNE 18th 2003, being a total of 793 days after BENCIVENGO and STEEN's email exchange on APRIL 16th, 2001.

104. The Defendants stated that Plaintiff had contacted Audrey Geisel, which Plaintiff never ever did, in order to try and prevent the Plaintiff from refilling the first case 01-cv-0211-BB-ACT, after it is was dismissed without prejudice on 18-06-2003, or the second case 3:01-cv-01800-KI as well as producing his play; which Plaintiff later did (Exhibit 18) and shown in (Dock 1, Exhibits 70, 71 & 72, T-231-15). It is clear that the emails that the defendants used against Plaintiff were from Cathy Anne Bencivengo, the acting attorney at the time for the defendants; now a Magistrate Judge in San Diego. (Doc 1, Exhibits 35, 36, 37 & 38, T-231-15) The defendants claimed that the case 01-cv-0211-BB-ACT had been dismissed, which it had not (Exhibit 34), it was 'dismissed without prejudice' on 18-06-2003. The defendants also claimed Plaintiff then threatened Audrey Geisel (which plaintiff clearly did not) as DSE's reason for Plaintiff's wrongful and malicious arrest. Plaintiff was later found Not Guilty (Doc 1, Exhibit 68, T-231-15) on April 17 2006. The fact that the emails from Cathy Anne Bencivengo, the acting attorney for the defendants at the time, were edited and used against Plaintiff as extortion 346. (1), in which they (Doc 1, Exhibits 35, 36, 37 & 38, T-231-15) were edited by the police officer W.E. "Skip" Stephenson (Doc 1, Exhibit 45, T-231-15) after reviewing them on behalf of the defendants clearly shows Obstruction 64.(1), and the fact that the emails from Cathy Anne Bencivengo, the acting attorney for the defendants at the time, to me between the dates of 04-04-2001 & 18-04-2001 and

the fact that 01-cv-0211-BB- ACT was dismissed 'without prejudice' on 18-06-2003 being a total of 793 days after the day that Bencivengo responded to my e-mail in which Plaintiff requested an out of court settlement of \$2,500,250.50, clearly shows that the defendants themselves committed concealment of evidence. Bencivengo's perfidious actions were brought out through anger toward Plaintiff because the plaintiff thoroughly mocked and ridiculed Bencivengo in his play, and because she bluffed over the telephone and told the plaintiff that they would settle back in April 2001.

105. On February 24, 2004 (Exhibit 14) Index of "The Seuss, The Whole Seuss & Nothing But The Seuss" by Charles D. Cohen, published on PENGUIN RANDOM HOUSE, is intended to be the comprehensive list of all of the works created by Theodore Geisel (Dr. Seuss). NOTE: The so-called 'original' lost work "Daisy-Head Mayzie" is not even included in index.

106. On March 2, 2004 Plaintiff, out of fear, foolishly plead guilty to one count of extortion, for threatening to EXPOSE Audrey Geisel to disgrace in San Diego, only because his layer J. Tony Serra wanted \$100,000.00 to go to trial, two days after spending 12 hours in 'book and release'. NOTE: Plaintiff's lawyer was the one and only infamous J. Tony Serra, who later went to jail for tax evasion and whose brother Richard received a million dollar grant from the Museum of Contemporary Art in which Audrey Geisel and Karl ZoBell donated large sums of money too. NOTE: Plaintiff never contacted Audrey Geisel.

107. On April 22, 2004 (Exhibit 15) Audrey Geisel changed her story despite

having alleged that the work “Daisy-Head Mayzie” based upon a completed (but lost and recovered by herself) screenplay, complete with illustrations by Dr. Seuss, then Audrey Geisel alleged that the work was based on a “preliminary draft” of a book stating, “Two books were published after his death, based on upon preliminary drafts done while he was alive, but never finished by him ... [This statement contradicts Exhibit 2 as well as Exhibit 8.] Neither I, nor my attorney’s, nor my husband’s publisher (Random House) could see any similarities in the art, plot or language.” (referring to Plaintiff’s story “The Pains of Being Pure at Heart”)

108. On April 22, 2004 (Exhibit 16) Karl ZoBell stated that, “Mr. Steen sent us an email copy of his book. It had no recognizable similarity to the Dr. Seuss book in question. Further, we, and Mr. Geisel’s agent, had been put to paper by him years before the Steen work was put together by him.” This statement contradicts (Exhibit 15 & 20).

109. On August 21, 2004 (Exhibit 17) *The San Diego Union-Tribune*: Cathy Anne Bencivengo said, “The Manuscript for Daisy-Head Mayzie was created in the 1960’s before Steen was born.”...“They’re both written in rhyming meter, but so what? They’re very dissimilar .” This statement contradicts (Exhibit 2) which states that the book was created in the 1970s. NOTE: Audrey Geisel and Karl ZoBell never once mentioned the book in question being Daisy-Head Mayzie 1995-2016, in their Statements to the Court so as to not to cause an independent investigation and incriminate themselves on charges of fraud.

110. On April 17th, 2006 (Exhibit 68, case - T-231-15) Plaintiff's record was expunged, and found NOT GUILTY of extortion with Michael T. Maloney acting as council. It was Michael T. Maloney who provided plaintiff with the statements by Audrey Geisel and Karl ZoBell (Exhibits 15 & 16).

111. On May 1, 2007, Plaintiff produced his play 'The Tragical History of Audrey Geisel' in Portland Oregon at the Someday Lounge, with a cast of 28.

112. On May 8, 2007 (Exhibit 18) the Oregonian - Lynda Claassen of the UCSD Mendavelille Special Collections, is quoted as saying, "What we have for Daisy-Head Mayzie are 1950s Photostats but no text." This statement contradicts Exhibit 2, 12, 13, 15 & 16.

113. On October 2nd 2007 Plaintiff filed case 6:07-cv-01004-MV-ACT in Albuquerque New Mexico.

114. On 18-01-2008. ORDER denying plaintiff's Application to Proceed In Forma Pauperis and Dismissing Complaint by Judge Martha Vazquez. "Steen vs Serra : 6:07-cv-01004-MV-ACT case dismissed.

115. On February 20th 2013 Plaintiff's filed to reopen case 1:01-cv-00211-BB-ACT, Judith C. Herrera is now the acting Judge.

116. On February 26, 2014 "New window into Dr. Seuss' genius" where Philip Nel "The Dr. Seuss Scholar" is quoted as saying, "I've always wondered how much of this book is Seuss and how much is Hanna-Barbera," "These new materials will help answer these questions." (Exhibit 20) Philip Nel, the Seuss scholar, said he is particularly interested in seeing the original ink drawings for "Daisy-Head

Mayzie,” published four years after the author died. (Exhibit 123, T-231-15)

117. On February 18, 2015 Plaintiff filed case T-231-15 in the Federal Court of Canada, which coincidentally happened to be the exact same day that it was announced that the Book “What Pet Should I Get?” was to be published.

118. On July 17, 2015, (Exhibit 22) - “The Enterprise Behind Dr. Seuss” - Publishers Weekly, New books over the past 25 years have included “Daisy-Head Mayzie” (1995) and Hooray for Diffendoofer Day! (1998), which were based on Geisel’s sketches and notes.” This statement contradicts (Exhibit 2) stating that it was complete in both text and illustrations.

119. On July 17, 2015, (Exhibit 20) - “The Enterprise Behind Dr. Seuss” - Publishers Weekly, “Random House and Dr. Seuss Enterprises work hand-in-hand on every aspect of the Dr. Seuss legacy, from publishing to marketing to scheduling. We’re true partners,” explains (Susan) Brandt at DSE. “I consider them my East Coast office. I talk to them, I’m not kidding, a million times a day. We’re that linked.”

120. On July 21, 2015 (Exhibit 23) - “Dr. Seuss Book: Yes, They Found it in a Box” *New York Times*, it reads, “The last “original” Dr. Seuss book, “Oh, the Places You’ll Go!” was released in 1990, and no one at Random House expected an unpublished book to appear 24 years after Mr. Geisel’s death.” (This statement contradicts Exhibit 2). The only person still at the company who had worked directly with Dr. Seuss was Cathy Goldsmith, the designer and art director on his last six books, (as well as the first version of Daisy-Head Mayzie 1995-2016, What

Pet Should I Get? 2015, and new version of Daisy-Head Mayzie 2016, Exhibit 29). Within a week of learning of the so-called recovered manuscript, she was on a flight to San Diego. "She's our lasting link to Dr. Seuss," said Susan Brandt, the President of Licensing and Marketing for Dr. Seuss Enterprises.

121. On February 11th, 2016 The Plaintiff received a copy of the "Cat's Quizzer" by Dr. Seuss which shows an images of a girl with a Daisy on her head drawn by Dr. Seuss Image from "The Cat's Quizzer" page 38, published on August 12th, 1976 (Exhibit 26).

122. On February 12th, 2016, the Plaintiff discovered (Exhibit 27) Cover of MAD MAGAZINE, with Alfred E. Neuman, sprouting flowers out of his head, published October 1969, predating (Exhibit 26) by 7 years, thus showing that the flower sprouting from the head is not a defense of originality on part of the Defendants.

123. July 5th 2016 (Exhibit 28) is The New Version of Daisy-Head Mayzie in which all elements of the *plagiarized concepts being Art and Textual Expression i.e. language have been deliberately taken out so as to cover up their fraud, and they have now implicated Hana-Barbera as the plagiarist. This a clear indication that I the plaintiff was plagiarized and that everything that the defendants have done to plaintiff in the past such as distorting facts in order to have plaintiff wrongfully arrested and smearing plaintiff's reputation in the media were all done in order to scare plaintiff from continuing his legal rights, and uncovering the truth.*

CONCLUSION

124. Plaintiff's story "The Pains of Being Pure at Heart" was Copyrighted 95 days before Dr. Seuss died and 1,061 days before Audrey Geisel claimed to have found "Daisy-Head Mayzie" (Exhibit 2). Plaintiff's story was the first story to have images with "Others wearing fake flowers on their heads so as to emulate the main character," and the fact that in "The Cat's Quizzer" (1976), page 39 (Exhibit 26), the image of the girl with a flower on her head has no name, and yet in Tish Rabe's work "Oh Baby, The Places You'll Go!!" she used the name "Daisy-Head Mayzie," and the fact that the main character's name in the Plaintiff's work is Lukus Loo, and in "Daisy-Head Mayzie" her real name is Mayzie McGrew, it appears logical that Tish Rabe named the character "Daisy-Head Mayzie," and took elements from both the Plaintiff's work "The Pains of Being Pure at Heart" and David Small's "Imogene's Antlers" and created "Daisy-Head Mayzie" yet she was sloppy and paraphrased "And these are the words that he read," into "And these are the words that poor Mayzie said." Believing that the Plaintiff did not own the copyright before submitting his work to the Children's Institute of Children's Literature where Tish Rabe is believed to have been an instructor. Which is why in the New Version of Daisy-Head Mayzie (Exhibit 29), this sentence and all of the similarities have been deliberately taken out, so that the Defendants can attempt to avoid the penalties of continued copyright infringement under 17 USC 501 (a) and the Berne Convention Article 2(5).

NOTE: (Exhibit 7) Inside Cover of “Daisy-Head Mayzie” – book, it reads, “Based on the animated television special created by Hanna-Barbera Cartoons Inc. in association with Tony Collingwood Productions.” That statement is clearly false and impossible, being that the “Daisy-Head Mayzie” – “*book*” is created, published and registered before the “Daisy- Head Mayzie” – “*animated video*” according to the United States Copyright Office (Exhibits 5 & 6), which clearly proves that the Defendants have attempted to deliberately conceal the fact that both the book and the animated television special were derived from, and based upon and infringed the Plaintiff’s Copyrighted work. Yet, Cathy Goldsmith’s NOTES FROM THE EDITORS on page 217 (Exhibit 29), which states that the New Version is the original, created in the 1950s and in (Exhibit 30), it states that Joe Mathieu who was “One Of The Defendants in T-231-15” is in fact the un-credited illustrator of the first version 1994-2016, being admittedly a Fake. Also, why would the Defendants have Joe Mathieu as the illustrator if Dr. Seuss had provided a complete set of original drawings as stated in (Exhibit 2)? Also, by not registering Joe Mathieu on the copyrights for the book (Exhibit 5) and the video (Exhibit 6), the defendants have incriminated themselves to 17 U.S.C. 1202 (2), being Integrity of Copyright Management Information.

125. The Amazon reviews for “Daisy-Head Mayzie” (Exhibit 9) are utterly laughable, for everyone who left a statement claims that they believe the book to be a total hack.

126. (Exhibit 18), corresponds with what Philip Nel stated in (Exhibit 20), which contradicts (Exhibit 2), which states that the manuscript was lost for 20 years in a bottom of a drawer with a “complete set of original drawings,” which contradict (Exhibits 12 & 13), which claim that “Daisy Head Mayzie” was at Chuck Jones’s Production, “lost” in a file, which contradict (Exhibit 15) where Audrey states, “based on upon preliminary drafts done while he was alive, but never finished by him,” which contradict ZoBell’s statement in Exhibit 16 “Further, we, and Mr. Geisel’s agent, had been put to paper by him years before the Steen work was put together by him.” Which contradict Exhibit 17 where Bencivengo states, “The Manuscript for Daisy-Head Mayzie was created in the 1960’s before Steen was born.” This also contradicts (Exhibit 2) making Daisy 30 years old in the bottom of a drawer and not 20, which then, again contradicts (Exhibit 18), which ALL contradict the Copyrights of Daisy Head Mayzie (Exhibits 5 & 6), which contradict (Exhibit 7); which all contradict (Exhibits 29 & 30).

127. The fact that not one of the statements from the Defendants (Exhibits 3, 4, 5, 6, 7, 8, 9, 11, 12, 12, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29 & 30) is consistent to the first (Exhibit 2), nor with each other, clearly points to fraud and intentional copyright infringement 17 USC 501 of the Plaintiff’s work.

128. The fact that Philip Nel, the Dr. Seuss Scholar who is published on Random House is quoted as saying, that Seuss “didn’t create final artwork or text” (Exhibit 123, T-231-15) is contradictory to the very first statement by Audrey Geisel about “Daisy-Head Mayzie.” is quoted, “that Dr. Seuss wrote the story as a

screenplay. He used typically whimsical verse and supplied a "complete set of original drawings." (Exhibit 2) And in (Exhibit 19) Wikipedia states, "Daisy-Head Mayzie is a children's book written by Dr. Seuss and illustrated in his style." This statement contradicts (Exhibit 18) in which Lynda Claassen stated "What we have for Daisy-Head Mayzie are 1950s Photostats but no text." which contradicts Cathy Ann Bencivengo who stated, "The Manuscript for Daisy-Head Mayzie was created in the 1960's before Steen was born." (Exhibit 17), which contradict (Exhibits 12 & 13), which are claimed to be in a file lost at Chick Jones Productions, which contradict (Exhibits 15 & 16) being that statements of Audrey Geisel and Karl ZoBell, which contradict the copyrights (Exhibits 5 & 6) as well as the statement in the book (Exhibit 7).

129. The infringement of "The Pains of Being Pure of Heart" into "Daisy-Head Mayzie" is ongoing, so long as sales of the book are being made, these infringements hold true. Case 2:09-cv-00072-GW-MAN: The lower courts agreed with MGM, but the Supreme Court took the case and ruled in favor of Petrella, saying that laches did not bar her claim since the infringement was ongoing.

130. Defendant Joe Mathieu is now credited as being the un-credited illustrator of the 1995-2016 Work by the Defendants (Docket 33, Exhibit 30, page 226, T-231-15), in which he was not credited in (Docket 5, Exhibit 103-b, page 37, T-231-15) filed on April 7th 2015. Joe Mathieu is not mentioned on the video (Exhibit 8-b), nor on the copyright of the video (Exhibit 6) which was allegedly the inspiration for the first book (Exhibit 5), thus it is obvious that the Defendants did knowingly

and willfully defraud the public with the first version of Daisy-Head Mayzie, claiming it to be an original Dr. Seuss book, as Joe Mathieu is not given credit in the book as well.

131. Copyright Infringement may occur not only when the entirety of a work is copied, but even when the infringing work copies “the same concepts, thought patterns and even sentence structure,” as the Copyrighted work.

132. The alleged screenplay “Daisy-Head Mayzie” – animated video has NEVER been registered to the Writers Guild of America, West (Exhibit 3).

133. Notice that (Exhibit 4) lists the English actor Tim Curry as one of the authors, which has since been removed from the Internet, and all mention of his character Finagle has been removed from the new version of the book as well, (Exhibits 29 & 30).

134. (Exhibit 29) – Cathy Goldsmith on PBS News Hour *July 28, 2015*, does not even mention the new version of Daisy-Head Mayze and states that there is nothing new coming out from Dr. Seuss.

135. (Exhibit 4-b) – shows an image of the character Finagle from the original version of Daisy-Head Mayze and the actor Tim Curry who voiced Finagle as well as was mentioned as one of the authors in (Exhibit 4). The character Finagle has since been 100% removed from the New Version of the book (Exhibit 29).

136. (Exhibit 30) is the New Wikipedia for Daisy-Head Mayzie admitting that Joe Mathieu was the uncredited illustrator of the first version as previously denied and contradicted by the Defendants in (Exhibits 2, 8, 12, 13 & 17).

137. (Exhibit 31) shows that; the new 2016 version of Daisy-Head Mayzie, is drawn by Jan Geradi, which contradicts (Exhibit 2 and Exhibit 30).

138. (Exhibit 32) is the new Amazon listing for the new version of "Daisy-Head Mayzie".

139. (Exhibit 33) - Cover of 'WHAT PET SHOULD I GET?'

140. (Exhibit 29) being the new version of Daisy-Head Mayzie published on July 5th, 2016 is the attempt at to cover up the flaws in the Defendants previous statements, yet it only shows more blatant fabrications in regards to the creation of the fake book Daisy-Head Mayzie, (Exhibits 2, 8, 12, 13 & 17), such as to when it was created and who created it.

141. (Exhibit 29) NOTES FROM THE EDITOR states that after Seuss died on September 24th 1991, that Herb Cheyette then took the script to Hana Barbera. Yet in (Exhibit 12) states that Steven Paul Leiva (wrote Herb Cheyette on January 24, 1991 yet the FAX reads from ICM February 7, 2002) claiming that at Chuck Jones Productions they had found a copy of Daisy-Head Mayzie that Ted Submitted to them 'Many Moon Ago', he then writes, "In any case, if Ted has forgotten about and / or lost his copy of DAISY-HEAD MA(Y)ZIE, we are glad to have been able to recover the work." Sent from IMC on Feb 2nd, 2002 to the Willamette Week, in Portland Oregon. Meaning, that Daisy-Head Mayzie was NOT lost in the bottom of a drawer for 20 years as (Exhibit 2) claims or 40 years as (Exhibit 29) claims. (Exhibit 29) states that Hana Barbera (being Time Warner) added the Cat in the Hat, yet (Exhibit 2) states that The Cat in The Hat

was already with Seuss's original drawings of the manuscript, when Audrey discovered it lost in the bottom of a drawer, before it was to be made into an animated cartoon. Thus, the people at Random House are now implicating Hana-Barabera for the plagiarized elements, when Joe Mathieu (who draws for Dr. Seuss Enterprises) is admittedly the artist (Exhibit 30). These facts alone contradict (Exhibit 2) in which Audrey Geisel clearly states, that she "found a 20 year old manuscript in the bottom of a drawer as she was renovating her house in La Jolla. Dr. Seuss wrote the story as a "screenplay". He used typically whimsical verse and supplied a "complete set of original drawings". That it "will be made" into an animated cartoon. Narrated by the Cat in the Hat. "Daisy-Head Mayzie" is the story of a girl who suddenly finds a daisy growing out her head. She is taunted by schoolmates, chased by bees and scrutinized by those eager to solve her "problem" After an agent talks her into cashing in on her notoriety, Mayzie discovers the perils of overnight success and concludes that love means more than fame and glory. Daisy "will be published" next winter by Random House and "will be made into an animated cartoon". Random House executive Janet Schulman said the author's files contain much other unpublished material. Thus the New Version of the book Daisy-Head Mayzie implicates the Defendants to intentional Fraud with the first fake version and they should be indicted and sent to jail.

142. Cathy Goldsmith has been the art director for both versions of 'Daisy-Head Mayzie' (Exhibit 8 & 29), as well as for 'What Pet Should I Get?' which based upon information and belief it is believed by the Plaintiff that "What Pet Should I

Get?” is based off of “What Cat Is That?” by Tish Rabe and drawn by the artist Aristides Ruiz who has drawn the illustrations for over 30 new Dr. Seuss books.

143. On March 11th 2016 In the new version of the book the defendants have taken out ALL of the similarities from plaintiff's story ‘The Pains of Being Pure at Heart’ as listed in Plaintiff's Motion Record T- 231-15, filed, Docket number 28, as well as the sentence “And these are the words that poor Mayzie said.” Just like in my story, “And these are the words that he read,” have been deliberately taken out, so as to attempt to cover up and limit their joined liability in their willful infringement.

144. Audrey Geisel (the widow of Dr. Seuss) claimed to have discovered “Daisy-Head Mayzie” at the bottom of a drawer after Dr. Seuss died. She claimed that the book was 20 years old (being created in the 1970s). She also claimed that she found a ‘complete set of original drawings’ and that the book was “Narrated by Seuss’ most beloved character The Cat in the Hat.” She also states “Daisy-Head Mayzie will be published next winter by random House and will be made into an animated cartoon.” (Exhibit 2). Those statements contradict (Exhibit 29), which reads, “Hana-Barbera also added new characters and plot twists to Ted’s script, including the Cat in the Hat as narrator of the story.” As stated above Defendant Audrey Geisel claimed that the Cat in the Hat was already a character in the story before Hana-Barbera had anything to do with the book or the video. (Exhibit 2).

145. (Exhibit 7) Inside Cover of “Daisy Head Mayzie” - book, it reads, “Based on the animated television special created by Hanna-Barbera Cartoons Inc. in

association with Tony Collingwood Productions." That statement is clearly false (impossible), being that the "Daisy-Head Mayzie - book" (Exhibit 5) is created, published and registered 'before' the "Daisy -Head Mayzie -animated video (Exhibit 6,) according to the United States Copyright Office, which shows beyond any hesitation whatsoever, that the defendants have clearly committed 18 U.S. Code § 1346 - Definition of "scheme or artifice to defraud" by the creation of the New Version of Daisy-Head Mayzie in which they took out all of the similarities between the Plaintiff's original work, and thus have exposed themselves to 15 U.S. Code § 45 - Unfair methods of competition unlawful; prevention by Commission (a)DECLARATION OF UNLAWFULNESS; POWER TO PROHIBIT UNFAIR PRACTICES; INAPPLICABILITY TO FOREIGN TRADE

(1) Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful. (2) The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations, (A) The Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person, partnership, or corporation which violates any rule under this subchapter respecting unfair or deceptive acts or practices (other than an interpretive rule or a rule violation of which the Commission has provided is not an unfair or deceptive act or practice in violation of subsection (a)(1)) with actual knowledge or knowledge fairly implied on the basis of objective circumstances that such act is unfair or deceptive and is prohibited by such rule. In such action, such person, partnership, or corporation shall be liable for a civil penalty of not more than \$10,000 for each violation. (2) with actual knowledge that such act or practice is unfair or deceptive and is unlawful under subsection (a)(1) of this section. In such action, such person, partnership, or corporation shall be liable for a civil penalty of not more than \$10,000 for each violation. (3) The Commission may compromise or settle any action for a civil penalty if such compromise or settlement is accompanied by a public statement of its reasons and is approved by the court.

146. (Exhibit 12) letter from Steven Paul Leiva to Herb Cheyette from Chuck Jones Productions dated January 24 1991 "As per our conversation the other day I'm enclosing a copy of the above mentioned story by Dr. Seuss (DAISY-HEAD MAYZIE) We found this in our files. It seems that Ted submitted to us many moon ago" " In any case if Ted has forgotten about and/or lost his copy of DAISY- HEAD MAYZIE we are glad to have been able to recover the work." This statement contradicts (Exhibit 2) being the so-called 'original' manuscript was to be found in the bottom of a drawer lost for 20 years making it created in the 1970's, not lost and then re-found at Chuck Jones Productions, before Dr. Seuss died. This 'alleged letter was FAXED to Stacy Ison of the Willamette Week on February 7th 2002 during plaintiff's copyright case in Portland Oregon.

147. (Exhibit 13) letter from Herb Cheyette (the agent for Dr. Seuss whom the book is dedicated) to Steven Paul Leiva from ICM dated January 20, 1991 fax "Thanks so much for letter of January 24th, with enclosures. I have discussed "Daisy-Head Mayzie" with Ted, who informs me that he is currently considering other uses for the story." This statement contradicts (Exhibits 2 & 13), for how could the so-called manuscript be in the possession of Herb Cheyette, whom the book is dedicated to (Exhibit 7) and be at Chuck Jones Productions, as well, if there was only one 'original' manuscript lost in the bottom of a drawer at Dr. Seuss' residence for over 20 years? Absurd. This 'alleged' letter was FAXED to Stacy Ison of the Willamette Week on February 7th 2002 during plaintiff's

copyright case in Portland Oregon. NOTE: both Chuck Jones and Ted Geisel would have been alive during the time of this fraudulent correspondence between Steven Paul Leiva & Herb Cheyette. Chuck and Ted would not have had Herb Cheyette or Steven Paul Leiva do their talking for them, when they were known to be very close friends from 1943 when they collaborated on 'Privet Snafu'. Ted did all of his negotiations himself up until his death, after which Audrey Geisel and Karl ZoBell took control of his property and created Dr. Seuss Enterprises, L.P. Theodore Seuss Geisel (1904-1991) & Chuck Jones (1912-2002)

148. (Exhibit 15) statement of Audrey Geisel, "Two books were published after his death, based on upon preliminary drafts done while he was alive, but never finished by him."...."Neither I, nor my attorney' s, nor my husband' s publisher (Random House) could see any resemblance in art, plot or language."

149. (Exhibit 16) statement of defendant Karl ZoBell, "Mr. Steen sent us an email copy of his book. It had no recognizable similarity to the Dr. Seuss book in question. Further, we, and Mr. Geisel's agent, had clear proof that the Dr. Seuss book in question had been put to paper by him years before the Steen work was put together by him." NOTE: If Karl ZoBell and Audrey Geisel have 'clear proof' I ask that the Defendants provide the 'original' manuscript of Daisy-Head Mayzie under DOCUMENTARY EVIDENCE, Sec's. 19-36 -. To be verified by a forgery expert from the FBI, with Ted Geisel's fingerprints & his DNA in front of a Judge and Jury, or at a hearing under sworn testimony under penalty of perjury. The 'original manuscript' has NEVER been made available for public

inspection. It is very unlikely that there is an original considering the contradictory statements by the defendants and their associates.

150. (Exhibit 18) “What we have for Daisy-Head Mayzie are 1950s Photostats, “but no text,” (Lynda) Claassen says. Lynda Claassen is the curator at UC San Diego's Dr. Seuss Collection, which contains original drawings, sketches, proofs, notebooks, manuscript drafts, books, audio- and videotapes, photographs, and memorabilia. The approximately 8,500 items in the collection document the full range of Dr. Seuss's creative achievements, beginning in 1919 with his high school activities and ending with his death in 1991. Claassen stated that there is ‘NO TEXT’, thus no manuscript of the alleged ‘lost work’ of Dr. Seuss. Claassen’s statement contradicts (Docket 33, Exhibits 2, 5, 6, 7, 12, 13, 15 & 16), clearly showing fraud on part of Audrey Geisel, Steven Paul Leiva, Herb Cheyette (deceased), Karl ZoBell & Cathy Anne Bencivengo.

151. (Exhibit 22) - “The Enterprise Behind Dr. Seuss” - Publishers Weekly, “Random House and Dr. Seuss Enterprises work hand-in-hand on every aspect of the Dr. Seuss legacy, from publishing to marketing to scheduling. We’re true partners,” explains (Susan) Brandt at DSE. “I consider them my East Coast office. I talk to them, I’m not kidding, a million times a day. We’re that linked.”

152. There is no mention of the ‘lost work’ Daisy-Head Mayzie in “The Seuss, The Whole Seuss & Nothing But The Seuss.” Published by Random House, published February 24th 2004. (Exhibit 14).

153. All of the evidence in this case, excluding Exhibits 1-a & 1-b, have been provided by the Defendants themselves; and yet they have only succeeded in destroying their own credibility. And mostly in the copyright for the new version in which they claim is the original it clearly states that the work in question was created in 2016 (Exhibit 42) being 24 years after Dr. Seuss died.

154. Everything the Defendants have done, to the Plaintiff, in the past was to simply to discredit the Plaintiff in order to cover-up the numerous facts that the Defendants have willfully, and continuously committed ongoing Copyright Infringement. Plaintiff has a right to receive revenues, proceeds, and profits from its Works and has a proprietary interest in this right. Inbrought their conduct, the Defendants has:

- . (a) Contravened the Copyright Act;
- . (b) Converted Plaintiff's proprietary rights unto themselves;
- . (c) Deprived Plaintiff of revenues and other consideration; and
- . (d) Unlawfully interfered with Plaintiff's economic relations.

155. All of the Defendants' activities are done without the authorization of Plaintiff and without any payment or compensation to Plaintiff.

156. Plaintiff is therefore entitled to an accounting and disgorgement of all revenues and profits (in whatever form) made by the Defendants from the wrongful conversion of Plaintiff's property, and damages from the losses of actual and prospective proceeds as a result of the Defendants' acts.

157. By trafficking in, offering, and distributing the Works, the Defendants have

directly, and intentionally facilitated the unauthorized reception, distribution and use of Plaintiff's protected works by persons not authorized to receive them. The Defendants have thereby unlawfully interfered with Plaintiff's economic relations with its customers and lawful distributors, and are liable therefore.

158. By reason of the foregoing, the Defendants are liable for all pecuniary losses suffered by Plaintiff, as a result of their interference.

COUNT ONE - COPYRIGHT INFRINGEMENT (17 U.S.C. 501)

159. Plaintiff incorporates by reference the allegations in each of the preceding paragraphs as if fully set forth in this paragraph.

160. By its actions alleged above, Dr. Seuss Enterprises, Penguin Random House, Cathy Goldsmith, Audrey Geisel, Tish Rabe & Joe Mathieu have infringed and will continue to infringe Plaintiff's copyrights in the book "The Pains of Being Pure at Heart" by reproducing 'Daisy-Head Mayzie' for profit without authorization or license from Plaintiff.

161. Plaintiff is entitled to an injunction restraining Dr. Seuss Enterprises, Penguin Random House, Cathy Goldsmith, Tish Rabe & Joe Mathieu, its agents, employees, and all persons acting in concert with them, from engaging in any further such acts in violation of the Copyright Act.

162. Plaintiff is further entitled to recover from Dr. Seuss Enterprises, Penguin Random House, Cathy Goldsmith, Tish Rabe & Joe Mathieu, at Plaintiff's election, either (a) the damages it has sustained and will sustain, and any gains, profits, and advantages obtained by Penguin Random House & and Cathy

Goldsmith Tish Rabe & Joe Mathieu as a result of its acts of infringement as alleged above, or (b) statutory damages for Penguin Random House, Cathy Goldsmith, Tish Rabe and Joe Mathieu's willful infringement of its copyrights in the Plaintiff's children's story "The Pains of Being Pure at Heart" (Exhibit 1-a).

163. In light of Dr. Seuss Enterprises, Penguin Random House, Audrey Geisel, Cathy Goldsmith, Tish Rabe and Joe Mathieu's willful and flagrant violation of Plaintiff copyrights, Plaintiff also is entitled to recover from the Defendants reasonable attorneys' fees and other costs of the action.

164. The simple fact is that the Defendants have absolutely zero credibility as to the origin of Daisy-Head Mayzie they have thus incriminated themselves to not only willful copyright infringement but to intentional international fraud by selling millions of copies of Daisy-Head Mayzie 1994-2016 claiming it to be an original work of Theodore Geisel when in fact it is not, being that Joe Mathieu is the real illustrator. Being that Audrey Geisel & Karl ZoBell of Dr. Seuss Enterprises L.P. had distorted evidence to have the Plaintiff wrongfully arrested on the 5th of November 2003 in Portland Oregon and did willfully commit perjury and obstruction of justice in hopes that the truth would never be known and the simple fact that they created a new version of the book and published it 15 days after the time limit for appeal of T-231-15, clearly shows concealment and collusion on part of the Defendants. (Exhibit 43) shows they are continuing copyright infringement and Vicarious Liability *Shapiro, Bernstein and Co. v. H.L. Green Co.*, 316 F.2d 304 (2d Cir. 1963).

PRAYER FOR RELIEF

WHEREFORE, plaintiff Charles Augustus Steen III respectfully demands:

A. That the Court find that defendants have infringed plaintiff's copyrights for the first version of Daisy-Head Mayzie 1995-2016.

B. The Plaintiff claims statutory damages pursuant to The Defendants have acted in a high-handed, malicious, and reprehensible fashion, and in wanton and reckless disregard for Plaintiff's rights, which ought not to be countenanced by this Honourable Court. Accordingly, Plaintiff is entitled to punitive, aggravated, and exemplary damages.

C. WHEREFORE, Plaintiff prays for judgment against Defendants as follows: 1. That Defendants be adjudged to have infringed upon Plaintiff's copyrights in "The Pains of Being Pure at Heart" in violation of 17 U.S.C. §§ 106 and 501.

For Plaintiff's damages derived by Defendants being each DR. SEUSS ENTERPRISES L.P., and PENGUIN RANDOM HOUSE each pay the Plaintiff for their Copyright Infringement of \$250,000.00 per infringement, and under 17 U.S.C. 501(a)(b) according to proof;

(ii) A cancellation of the Copyright Ownership in and to “Daisy-Head Mayzie 1995-2016” - the book, and

(i) A cancellation of the Copyright Ownership in and to the animated video “Daisy-Head Mayzie” - the animated video.

(ii) For interim and permanent injunctive relief restraining future violations of Plaintiffs Copyrights; and

(iii) That the Court find that defendant will continue to infringe plaintiffs copyrights, unless permanently enjoined from doing so;

(iv) That the Court enter a permanent injunction restraining defendant, and its agents, servants, employees, attorneys, successors and assigns, and all persons, firms, and corporations acting in concert with them, from directly or indirectly infringing plaintiffs copyrights, including but not limited to continuing to manufacture, reproduce, distribute, market, advertise, promote, solicit, or accept orders for, sell, or offer for sale the book ‘Daisy-head Mayzie’ and from participating or assisting in any such activity;

(v) That the Court order that an accounting be made for all profits, income,

receipts, or other benefit derived by defendant from the reproduction, copying, display, promotion, distribution, or sale of materials that improperly or unlawfully infringe upon plaintiff's intellectual property rights;

(vi) That the Court enter judgment for plaintiff and against defendant, at Plaintiff election, either (a) for plaintiff's actual damages according to proof, and for any profits attributable to infringements of plaintiff's copyrights according to proof, or (b) for statutory damages based upon defendant's acts of infringement pursuant to the Copyright Act of 1976, 17 U.S.C. 501.

(vii) That the Court grant an award of plaintiff's costs and disbursements of this action, including reasonable attorneys' fees, pursuant to 15 U.S.C. § 501; civil remedies under title 17 such as Actual Damages 17.504(a)(b), Impoundment of Infringing Material 17.503(a), 17.510(a), Destruction of Infringing Material 17.503(b), Imprisonment 17.506(a), Remedies 17.502(a)(b), Damages & Profits 17.504(a)(b)(1)(2), Cost & Attorney's Fee 17.505, Criminal Offenses 17.506(a)(1)(2)(b)(c)(d)(e)(f), Unpublished Works 17.104(a) and Exclusive Rights in Copyrighted Works 17.106(1)(2)(3)(4)(5)(6).

(x) That Defendants be required to account to Plaintiff for any and all profits derived by their exploitation of "The Pains of Being Pure at Heart" in all media, from all sources, worldwide;

(xi) That Defendants be ordered to pay over to Plaintiff all damages, including future damages, that Plaintiff has sustained, or will sustain, as a consequence of the acts complained of herein and that Plaintiff be awarded any profits derived by Defendants as a result of said acts, or as determined by said accounting, or in the alternative, statutory damages, pursuant to 17 U.S.C. § 504;

(xii) For a judicial declaration that Defendants' use, reproduction, marketing, sale, and distribution of "Daisy-Head Mayzie" 1995-2016, under the copyright laws;

(xiii) That Plaintiff be awarded her costs, attorneys' fees, and expenses in this action pursuant to 17 U.S.C. § 505;

(xiv) For such other and further relief as this Honorable Court deems just and appropriate, Plaintiff respectfully requests the Court add Aggravated Damages as well, for what the Defendants at Penguin Random House, and their associates Audrey Geisel, Karl ZoBell, Cathy Anna Bencivengo have done to Plaintiff's reputation, not only as a individual person, but as a writer for having lost professional opportunities, because of their San Diego smear campaign against the plaintiff in order to try and stop the truth from being known, and add additional damages in the amount of \$2,500,250.50, because that was the exact

amount in which the defendants used against the plaintiff and distorted the evidence in order to have the plaintiff arrested, thus it would only seem natural and just to make the payback equal to the unjustly punishment , as well as grant such other, further, and different relief as the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiffs hereby request a trial by jury on all claims so triable.

BREAKDOWN OF COST

Defendant DR. SEUSS ENTERPRISES L.P. for Copyright Infringement the sum for the minimum of 10 books of DAISY-HEAD MAYZIE 1995-2016 sold in the last three years being \$2,500,000.00, under 17 U.S.C. 506 (a). & \$2,500,250.50 for aggravated punitive damages.

Defendant PENGUIN RANDOM HOUSE for Copyright Infringement the sum for the minimum of 20 books of DAISY-HEAD MAYZIE 1995-2016 sold in the last three years being \$5,000,000.00, under 17 U.S.C. 506 (a).

Dated November 3, 2017

Charles Augustus Steen III
Charles Augustus Steen III - Pro Se